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Federal Register

Book 1 of 2 Books
Tuesday, June 19, 1979

Highlights

35280 **National School Lunch Program** USDA/FNS determines the value of donated agricultural commodities and other foods; effective 6–15–79

35980 **Energy Impacted Area Development Assistance** USDA/FmHA issues regulations concerning areas impacted by increased coal or uranium production, processing or transportation; effective 6–19–79 (Part VII of this issue)

35231 **Supplemental Food Program** USDA/FNS proposes funding formulas for women, infants and children; effective 6–19–79; comments by 8–3–79

35904 **Indian Reservations** USDA/FNS sets forth requirements for conducting the Food Stamp and Food Distribution Programs; effective 6–19–79 (Part III of this issue)

35282 **Hydrocarbon, Coal, and Coke Consumption** Commerce/Census provides information on consumption of fuels for nonenergy purposes

35217 **Certain Alcohol Fuels** Treasury/IRS provides temporary regulations concerning exemption from motor fuels excise taxes

35604 **Gun Control** Treasury/BATF publishes firearms laws of political subdivisions and states (Part II of this issue)

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Area Code 202-523-5240

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35297 **Alcohol, Drug Abuse, and Mental Health Administration** HEW/PHS establishes an Office of Extramural Project Review and Extramural Policy and Project Review

35946 **Advisory Councils and Boards** HEW/NIH requests nominations for members of councils and boards; nominations by 8-1-79 (Part IV of this issue)

35295 **Spironolactone** HEW/FDA announces efficacy review results and marketing conditions; comments by 8-20-79

35956 **Inmate Correspondence** Justice/Prisons Bureau provides rules concerning control, custody, care, treatment and instruction; effective 7-1-79; comments by 10-1-79 (Part VI of this issue)

35286 **Motor Vehicle Information and Cost Savings** EPA summarizes retrofit device evaluation of the "Malpassi Filter King"

35201 **Sugar Beet Crop Insurance** USDA/FCIC prescribes shorter, clearer, and more simplified procedures; effective 6-19-79

35195 **Barley Crop Insurance** USDA/FCIC prescribes shorter, clearer and more simplified procedures; effective 6-19-79

35208 **Food Additives** EPA includes paint-on application of chlorpyritos regulations in food-handling establishments; effective 6-19-79

35209 **Aluminium Phosphide** EPA removes restrictions prohibiting contact in manufacturing beer; effective 6-19-79

35230 **Cigar-Binder Tobacco** USDA/ASCS investigates operations of marketing quota; comments by 7-19-79

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 295

Availability of Information and Records to the Public; Changes in Addresses; Correction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The purpose of this document is to correct errors in FR Doc. 79-13287 appearing at pgs. 25396-25397 in the Federal Register of May 1, 1979.

EFFECTIVE DATE: Upon publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Joseph M. Scordato, Freedom of Information Officer, Administrative Services Division, Food and Nutrition Service, USDA, Washington, D.C. 20250 (202-447-8278).

SUPPLEMENTARY INFORMATION: It is impractical and unnecessary to follow the proposed rule making and public participation procedure of 5 U.S.C. and Executive Order 12044 since this is a technical amendment that is nonsubstantive in nature. The errors and corrections are as follows:

1. On Page 25396, the fifth amendment erroneously omitted a reference to paragraph (d), as well as omitting a reference to and the amendatory language of paragraphs (e) and (f). It should be corrected to read as follows:

"5. In § 295.7 the second sentence and paragraphs (a), (b), (c), (d), and (e) are revised and paragraph (f) is added to read as follows:

§ 295.7 Public inspection and copying.

* * * * *

(e) Supplemental Food Program materials—Room 4405, Auditors Building, 14th and Independence Ave. S.W., Washington, D.C.

(f) All other FNS materials—Inquire at Administrative Services, Division, Room 792, 500 12th Street S.W., Washington, D.C., for specific locations."

2. On page 25396, the sixth amendment erroneously used the term "subparagraphs" rather than "paragraphs" in referring to paragraphs (g) and (h).

3. On page 25397, the seventh amendment erroneously omitted a reference to paragraph (e). It should be corrected to read:

"7. In § 295.9 paragraphs (a), (b), (c) and (d) are revised and paragraph (e) is added to read as follows:" (5 U.S.C. 301, 552; 7 CFR 1.1-1.16).

Done this 12th day of June, 1979, at Washington, D.C.

Robert Greenstein,
Acting Administrator,
Food and Nutrition Service.

[FR Doc. 79-18939 Filed 6-18-79; 8:45 am]
BILLING CODE 3410-30-M

Federal Crop Insurance Corporation

7 CFR Parts 401 and 419

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation,

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring barley crops effective with the 1980 crop year. The rule combines provisions from previous regulations for insuring barley in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register (44 FR 23239, Thursday, April 19, 1979) outlining the prescribed procedures for insuring barley crops effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 419 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring barley crops effective with the 1980 crop year to be known as 7 CFR Part 419 Barley Crop Insurance.

All previous regulations applicable to insuring barley crops as found in 7 CFR 401.101-401.111 and 401.125 are not applicable to 1980 and succeeding barley crops but remain in effect for FCIC barley insurance policies issued for the crop-years prior to 1980.

It has been determined that combining all previous regulations for insuring barley crops into one shortened, simplified and clear regulation would be more effective administratively. In addition, Part 419 contains a premium adjustment table to provide maximum individual premium discounts for good insuring experience of up to 50 percent and premium increases for unfavorable insuring experience. The good experience discounts provided under the previous barley crop insurance policies have been discontinued; however, the premium adjustment table will result in more premium discounts for good experience than were formerly provided under the good experience discounts in the previous policy. Further, Part 419 (1) provides that any premium balance not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid premium balance at the end of each subsequent 12-month period, (2) extends the 15-day period for submitting a notice of damage or loss to 30 days and eliminates the 60-day period for filing a claim for loss, (3) establishes the production guarantee on a harvested basis with a reduction of the lesser of 4 bushels or 20 percent of the guarantee for any unharvested acreage, (4) provides 3 levels of insurance coverage on each barley crop in each county, (5) provides new termination dates for indebtedness and sales closing dates which more nearly reflect current farming practices, and (6) increases the limitation from $5,000 to $20,000 in cases involving good faith reliance or misrepresentation (as found in 7 CFR

Part 419.5 of the regulations) wherein the Manager of the Corporation is authorized to take action to grant relief. The Barley Crop Insurance Regulations provide a December 31 cancellation date for all counties in which only spring barley is insurable and a June 30 date for all other counties. These regulations and any amendments thereto, must be placed on file in the Corporation's office for each particular county in which the insurance is available by not later than 15 days prior to June 30 or December 31 (for spring barley) in order to be effective for the crop year.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and views on the proposed regulations, but none were received. Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations, as contained in the proposed rule, are hereby issued as a final rule to be in effect starting with the 1980 crop year.

Final Rule

§ 401.125 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.),* the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.125 with such regulations as are contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 419 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 419) to be known as the Barley Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 419—BARLEY CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

419.1 Availability of barley insurance.
419.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
419.3 Public notice of indemnities paid.
419.4 Creditors.
419.5 Good faith reliance on misrepresentation.
419.6 The contract.
419.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1980 and Succeeding Crop Years

§ 419.1 Availability of Barley Insurance.

Insurance shall be offered under the provisions of this subpart on barley in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which barley insurance will be offered.

§ 419.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for barley which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 419.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 419.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 419.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the barley insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 419.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the barley crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 419.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the barley crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting of applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverese selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the

Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract, in the form provided for under this subpart, will come into effect as a continuation of a barley contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Barley insurance Policy for the 1980 and Succeeding Crop Years, and the Appendix to the Barley Insurance Policy are as follows:

United States Department of Agriculture

Federal Crop Insurance Corporation

Application for 19—— and Succeeding Crop Years

Barley Crop Insurance Contract

_____

(Contract number)

_____

(Identification number)

_____

(Name and address) (Zip Code)

_____

(County) (State)

Type of entity _____

Applicant is over 18 Yes—— No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the barley seeded on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

Level election _____

Price election _____

Example: For the 19— crop year only (100% share)

Location/ farm No.	Guarantee per acre[1]	Premium per acre	Practice

[1] Your guarantee will be on a unit basis (acres X per acre guarantee X share).

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the first crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following barley insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

_____

(Code No./Witness to signature)

_____

(Signature of applicant) (Date)

Address of office for county:

_____

Phone _____

Location of farm headquarters:

_____

Phone _____

Barley Crop Insurance Policy

Terms and conditions

Subject to the provisions in the attached appendix:

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) The crop insured shall be barley which is seeded for harvest as grain and which is grown on insured acreage for which the actuarial table shows a guarantee and premium rate per acre and, where so provided on the actuarial table, a mixture of barley with oats or wheat or both seeded for harvest as grain. The production from such mixture shall be counted as barley on a weight basis.

(b) The acreage insured for each crop year shall be that acreage seeded to barley on insurable acreage, as shown on the actuarial table and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached as determined by the Corporation to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to reseed to barley and such acreage was not reseeded, (4) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal crop to be produced, (5) of volunteer barley, (6) seeded to a type or variety of barley not established as adapted to the area or shown as noninsurable on the actuarial table, or (7) seeded with another crop, except as otherwise provided herein.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is seeded for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of insured to report acreage and share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of barley seeded in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of seeding. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production guarantees, coverage levels and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by the lesser of 4 bushels or 20 percent for any unharvested acreage.

5. *Annual premium.* (a) The annual premium is earned and payable at the

time of seeding and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of seeding, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percent Adjustments for Favorable Continuous Insurance Experience

Loss ratio[1] through previous crop year	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percent Adjustments for Unfavorable Insurance Experience

Loss ratio[1] through previous crop year	Number of loss years through previous year[2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance period.* Insurance on insured acreage shall attach at the time the barley is seeded and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the barley from the field, (c) October 31 of the calendar year in which barley is normally harvested, or (d) total destruction of the insured barley crop.

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the barley on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to barley. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in paragraph (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 DAYS* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire barley crop on the unit is destroyed, as determined by the Corporation. The Corporation

reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of barley on the unit and that any less of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of barley on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of barley to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Mature production which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.5 percent, and if, due to insurable causes, any barley does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official U.S. Grain Standards, the production shall be adjusted by (i) dividing the value per bushel of the damaged barley (as determined by the Corporation) by the price per bushel of U.S. No. 2 barley and (ii) multiplying the result by the number of bushels of such barley. The applicable price for No. 2 barley shall be the local market price on the earlier of: the day the loss is adjusted or the day the damaged barley was sold.

(2) Any harvested production from volunteer crops growing with the seeded barley crop or small grains seeded in the growing barley crop on acreage which the Corporation has not given consent to be put to another use shall be counted as barley on a weight basis.

(3) Appraised production to be counted for a unit shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded before barley harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 4 bushels or 20 percent of the production guarantee for all other unharvested acreage.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of barley becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of insured share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. *Records and access to farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all barley produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. *Life of contract: Cancellation and termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture, shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State/county	Cancellation date	Termination date for indebtedness
Arizona, Delaware, Maryland, North Carolina, and Pennsylvania	June 30	October 10.
California:		
Modoc and Siskiyou Counties	December 31	March 31.
All other California counties	June 30	October 10.
Idaho:		
Idaho County and all counties lying north thereof	June 30	November 30.
All other Idaho counties	December 31	March 15.
Oregon:		
Klamath and Malheur Counties	December 31	March 31.
All other Oregon counties	June 30	November 30.
Washington	June 30	November 30.
All other states	December 31	March 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms & Conditions)

1. *Meaning of Terms*

For the purposes of barley crop insurance: (a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding barley insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the barley crop is normally grown and shall be designated by the calendar year in which the barley crop is normally harvested.

(d) "Harvest" means the severance of mature barley from the land for combining or threshing.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured barley crop at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(j) "Tenant" means a person who rents land from another person for a share of the barley crop or proceeds therefrom.

(k) "Unit" means all insurable acreage of barley in the county on the date of seeding for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the barley crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county, or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured*

(a) The Corporation reserves the right to limit the insured acreage of barley to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the seeding of barley.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated Acreage*

(a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of seeding.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause, occurring after the beginning of seeding, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. *Annual Premium*

(a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity*

(a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured barley acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the barley is seeded for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation*

The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract*

(a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies, or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage Level and Price Election*

(a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity*

Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes*

The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A–40.

These regulations have been determined not significant under the USDA criteria implementing Executive Order No. 12044. A draft impact analysis is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on June 8, 1979.

Dated: June 8, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by: W. Otto Johnson, *Acting Manager, Federal Crop Insurance Corporation.*

Dated: June 13, 1979.

[FR Doc. 79-19041 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Parts 401 and 430

Sugar Beet Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring sugar beet crops effective with the 1980 crop year. The rule combines provisions from previous regulations for insuring sugar beets in a shorter, clearer, and more simplified document which will make the program more effective administratively. This is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register (44 FR 27119, Wednesday, May 9, 1979) outlining the prescribed procedures for insuring sugar beet crops effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 430 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring sugar beet crops effective with the 1980 crop year to be known as 7 CFR Part 430 Sugar Beet Crop Insurance.

All previous regulations applicable to insuring sugar beet crops as found in 7 CFR 401.101–401.111, 401.140, and 401.149 will not be applicable to 1980 and succeeding sugar beet crops but will remain in effect for FCIC sugar beet insurance policies issued for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring sugar beet crops into one shortened, simplified, and clearer regulation would be more effective administratively. In addition, Part 430 contains a premium adjustment table to provide maximum individual premium discounts for good insuring experience of up to 50 percent and premium increases for unfavorable insuring experience. The good experience discounts provided under the previous sugar beet crop insurance policies have been discontinued; however, the premium adjustment table will result in more premium discounts for good experience than were formerly provided under the good experience discounts in the previous policy. Further, Part 430 (1) provides that any premium balance not paid by the termination date will be increased by a 9 percent service fee with a 9 percent per annum simple interest charge applying to any unpaid premium balance at the end of each subsequent 12-month period, (2) extends the 15-day period for submitting a notice of damage or loss to 30 days and eliminates the 60-day period for filing a claim for loss, (3) provides 3 levels of insurance coverage on each sugar beet crop in each county, and (4) increases the limitation from $5,000 to $20,000 in

those cases involving good faith reliance on misrepresentation (as found in 7 CFR Part 430.5 of the regualtions) wherein the Manager of the Corporation is authorized to take action to grant relief.

The Sugar Beet Crop Insurance Regulations provide a July 15 cancellation date for Arizona and California, and December 31 for all other States. These regulations and any amendments there to, must be placed on file in the Corporation's office for each particular county in which the insurance is available not later than 15 days prior to the applicable cancellation date.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and views on the proposed regulations, but none were received. Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be in effect starting with the 1980 crop year.

Final Rule

§§ 401.140 and 401.149 [Reserved]

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.140 and 401.149, with such regulations as are contained therein remaining in effect for FCIC policies issued for crop years prior to 1980, and issues a new Part 430 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 430) to be known as the Sugar Beet Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 430—SUGAR BEET CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

430.1 Availability of sugar beet insurance.
430.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
430.3 Public notice of indemnities paid.
430.4 Creditors.
430.5 Good faith reliance on misrepresentation.
430.6 The contract.
430.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1980 and Succeeding Crop Years

§ 430.1 Availability of sugar beet insurance.

Insurance shall be offered under the provisions of this subpart on sugar beets in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which sugar beet insurance will be offered.

§ 430.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for sugar beets which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 430.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 430.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 430.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the sugar beet insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 430.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the sugar beet crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 430.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the sugar beet crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county and, where applicable, on or before the closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting of applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should

develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a sugar beet contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Sugar Beet Insurance Policy for the 1960 and Succeeding Crop years, and the Appendix to the Sugar Beet Insurance Policy are as follows:

United States Department of Agriculture

Federal Crop Insurance Corporation

Application for 19—— and Succeeding Crop Years

Sugar Beet Crop Insurance Contract

Contract No. _____
Identification No. _____
Name and address _____
Zip Code _____
County _____
State _____
Type of entity _____
Applicant is over 18—Yes ☐ No ☐

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the sugar beets planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

Level election _____
Price election _____
Example: For the 19—— crop year only (100% share) _____
Location/farm No. _____
Guarantee per acre * _____
Premium per acre _____
Practice _____

Your guarantee will be on a unit basis (acres X per acre guarantee X share).

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application if filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following sugar beet insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

Code No./witness to signature _____
Signature of applicant _____
Date _____
Address of office for county: _____

_____
Phone _____
Location of farm headquarters: _____

_____
Phone _____

Sugar Beet Crop Insurance Policy

Terms and conditions

Subject to the provisions in the attached appendix:

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) The crop insured shall be sugar beets grown under a contract with a processor for processing as sugar, for which the actuarial table shows a guarantee and premium rate per acre, and which are grown on insured acreage.

(b) The acreage insured for each crop year shall be that acreage planted to sugar beets on insurable acreage as shown on the actuarial table and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. *Provided*, That insurance shall not attach or be considered to have attached as determined by the Corporation to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) excluded from the processor contract for, or during, the crop year, (3) which is destroyed and after such destruction it was practical to replant to sugar beets and such acreage was not replanted, (4) initially planted after the date where applicable on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (5) planted to sugar beets the preceding crop year in Michigan, Minnesota, North Dakota and Ohio or the two preceding crop years in all other States unless otherwise provided on the county actuarial table, (6) planted to a type or variety of sugar beets not established as adapted to the area or shown as non-insurable on the actuarial table, or (7) in California other than Imperial County, planted before the filing of the application or reinstatement request if such acreage is not inspected for the crop year and approved in writing by the Corporation after a normal stand is obtained.

(c) Insurance may attach only by written agreement with Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of insured to report acreage and share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of sugar beets planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted promptly after completion of planting each year not later than the acreage reporting date on file in the office for the county.

4. *Production guarantees, coverage levels and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be progressive as follows:

(1) *First Stage*—from planting until July 1 (except in California and Arizona) it shall be until the earlier of thinning or 90 days after planting; and to any acreage that the Corporation determines was damaged in this stage to the extent that growers in the area usually would not further care for the crop.

(2) *Second Stage*—from the end of the first stage until at least 15 percent of the production guarantee per acre for the third stage has been harvested.

(3) *Third Stage*—after harvest of at least 15 percent of the production guarantee per acre for any acreage.

The production guarantee applicable to any acreage within a unit shall be that established for the stage reached by the crop on such acreage, as determined by the Corporation.

(5) *Annual premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multipling the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percent Adjustments for Favorable Continuous Insurance Experience

Loss ratio [1] through previous crop year	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percent Adjustments for Unfavorable Insurance Experience

Loss ratio [1] through previous crop year	Number of loss years through previous year [2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	230	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12 month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; however, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, if such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance period.* Insurance on insured acreage shall attach at the time the sugar beets are planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvesting, (c) total destruction of the insured sugar beet crop, and (d) the applicable date of the calendar year in which the sugar beets are normally harvested as follows: (1) July 15 for Arizona and Imperial County, California, (2) the last day of the 12th calendar month after planting of the acreage for all other California counties, unless a written request from the insured for an extension of the insurance period is received prior to such date and is approved by the Corporation, (3) November 25 in Ohio, or (4) November 15 in all other States.

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the sugar beets on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to sugar beets. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the country not later than *30 DAYS* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire sugar beet crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extentuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of sugar beets on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of sugar beets on the unit by the applicable production guarantee per acre, which product

shall be the production guarantee for the unit, (2) subtracting therefrom the total production of sugar beets to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production: *Provided,* That for acreage not qualifying for the third stage production guarantee, only the appraised and harvested production in excess of the difference between the third stage production guarantee and the production guarantee applicable to such acreage shall be counted. For acreage abandoned, put to another use without prior written consent of the Corporation, or damage solely by an uninsured cause, not less than the applicable production guarantee shall be counted.

(1) Any harvested production of sugar beets shall be adjusted by the factor (rounded to three decimal places) obtained by dividing the average percentage of sugar in sugar beets, as determined from individual tests made at the time of delivery to the processor, by the percentage of sugar shown on the actuarial table: *Provided, however,* That if individual tests of sugar content are not made by the processor at the time of delivery of the sugar beets, the factor to be used shall be 1.000: *Provided, further,* That for harvested sugar beets which are not acceptable under the contract with a processor due to an insurable cause of loss occurring within the insurance period, the Corporation will determine the production to be counted by (i) dividing the value of the beets, as determined by the Corporation by the value of undamaged beets containing the percentage of sugar shown on the actuarial table and (ii) multiplying the result obtained by the tons of beets harvested: *Provided, further,* That any Corporation appraisals shall be the tons appraised with no adjustment for quality.

(2) Appraised production to be counted shall include: (i) Any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, and (ii) not less than the applicable guarantee for any acreage which is abaondoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of sugar beets becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of insured share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. *Records and access to farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all sugar beets produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. *Life of contract: Cancellation and termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year. *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim, shall be the date the insured signs such claim, or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State and county	Cancellation date	Termination date for indebtedness
Arizona and Imperial County, Calif.	July 15	August 31
All other California counties.	July 15	(1)
All other States	December 31	March 31

[1] The termination date for indebtedness for all California counties other than Imperial County shall be the date the insured begins planting for the next crop year unless prior to such date the insured has made arrangements satisfactory to the Corporation for payment of the premium owed the Corporation.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms and Conditions)

1. *Meaning of Terms*

For the purposes of sugar beet crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding sugar beet insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the sugar beet crop is normally grown and shall be designated by the calendar year in which the sugar beet crop is normally harvested: *however,* in California and Arizona it shall be the period from planting until the applicable date for the end of the insurance period and shall be designated by (1) the calendar year in which planted if planted on or before July 15, or (2) the next calendar year if planted after July 15.

(d) "Harvest" means the lifting and topping of the sugar beets for the purpose of delivery to a processor.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county acturial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured sugar beet crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(j) "Tenant" means a person who rents land from another person for a share of the sugar beet crop or proceeds therefrom.

(k) "Unit" means all insurable acreage of sugar beets in the county on the date of

planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the sugar beet crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured*

(a) The Corporation reserves the right to limit the insured acreage of sugar beets to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of sugar beets.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated Acreage*

(a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting as determined by the Corporation shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. *Annual Premium*

(a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity*

(a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured sugar beet acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the sugar beets are planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation*

The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract*

(a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage Level and Price Election*

(a) If the insured has not elected on the application a coverage level and price election at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity*

Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes*

The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A-40.

Note.—These regulations have been determined non significant under the USDA criteria implementing Executive Order No. 12044. A draft impact analysis is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4096, U.S. Department of Agriculture, Washington, D.C. 20250.

Approved by the Board of Directors on June 8, 1979.

Dated: June 8, 1979.

Federal Crop Insurance Corporation.

Peter F. Cole,

Secretary.

Dated: June 13, 1979.

Federal Crop Insurance Corporation.

Approved by:

W. Otto Johnson,

Acting Manager.

[FR Doc. 79-19042 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 929

Findings and Determinations with Respect To Continuation of the Amended Marketing Agreement and Order Regulating Cranberries Grown in Specified States

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document contains the determination with respect to continuation of the amended marketing agreement and order regulating cranberries grown in specified States. A referendum was conducted among cranberry growers May 14 through May 23, 1979, to ascertain if they favor termination of this regulatory program. The vote in that referendum shows that the required majority of such growers do not favor termination.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* A notice was published in the Federal Register on May 3, 1979 (44 FR 25846), directing that a referendum be conducted among cranberry growers to ascertain if such growers favor continuance of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Consistent with such notice, the referendum was conducted among growers who were engaged in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, in the production of cranberries during the representative period determined to be September 1, 1978, through April 30, 1979. The referendum period was May 14 through May 23, 1979.

Upon the basis of the results of the referendum, it is hereby found and determined that the termination of the marketing agreement and order is not favored by a majority of producers who produced more than 50 percent of the cranberries produced for market during the representative period. This action has not been determined significant under the USDA criteria for implementing Executive Order 12044.

Dated: June 13, 1979.

Jerry C. Hill,

Deputy Assistant Secretary.

[FR Doc. 79-19019 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 375

[Regulation SPR-161; Amendment No. 12]

Navigation of Foreign Civil Aircraft Within the United States, Approval by the General Accounting Office

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

June 14, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the General Accounting Office has approved the recordkeeping and reporting requirements contained in the subject regulation. This approval is required under the Federal Reports Act, and was transmitted to the Civil Aeronautics Board by letter dated June 6, 1979.

DATES: Adopted: June 14, 1979; Effective: June 14, 1979.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-6044.

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Accordingly, the Civil Aeronautics Board amends Part 375 of its Special Regulations (14 CFR 375) by adding the following note at the end of Part 375:

Note.—The recordkeeping requirements contained in §§ 375.43(b) and 375.43(c) and the reporting requirements contained in §§ 375.44(b), 375.45 and 375.70 have been approved by the U.S. General Accounting Office under B-180226 (R0642).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-19078 Filed 6-18-79; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201 and 202

[Release Nos. 33-6077; 34-15911; 35-21095; 39-528; IC-10726; IA-679]

Consideration of Written Comments Received After the Closing Date in Informal Commission Proceedings

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to provide notice of a current practice of the Commission to accept, and include in the public record, in its discretion, written comments received by the Commission after the closing date in rulemaking proceedings and adjudications not required to be determined on the record. The Commission is also making certain editorial amendments to its regulations concerning these informal Commission proceedings.

EFFECTIVE DATE: June 12, 1979.

FOR FURTHER INFORMATION CONTACT: Howard A. Bartnick, Office of the General Counsel, Securities and Exchange Commission, Room 735, 500 North Capitol Street, Washington, D.C. 20549, (202) 376-8903.

SUPPLEMENTARY INFORMATION: The Commission finds, in accordance with the Administrative Procedure Act ("APA"), 5 U.S.C. § 553(b)(A) and 5 U.S.C. § 553(d), that these amendments relate solely to agency organization, procedure or practice and do not relate to a substantive rule. Accordingly, notice and opportunity for public comment pursuant to the APA is not necessary and the foregoing action becomes effective immediately.

Accordingly, Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 201—RULES OF PRACTICE

1. By amending the heading of § 201.27 to read as follows:

§ 201.27 Adjudications under the Securities Exchange Act of 1934 not required to be determined on the record after notice and opportunity for hearing.

2. By adding § 201.28 to read as follows:

§ 201.28 Adjudications not required to be determined on the record after notice and opportunity for hearing.

(a) This section applies to every case of adjudication (as defined in section 551 of title 5, United States Code)

pursuant to any statute which the Commission administers, which adjudication is not required to be determined on the record after notice and opportunity for hearing and which the Commission has not chosen to determine on the record after notice and opportunity for hearing.

(b) In any case of adjudication described in paragraph (a) above, if the Commission provides notice and opportunity for the submission of written comments by parties to the adjudication or, as the case may be, by other interested persons, written comments received on or before the closing date for comments, unless accorded confidential treatment pursuant to statute or rule of the Commission, become a part of the public record of the adjudication. The Commission, in its discretion, may accept and include in the public record written comments filed with the Commission after the closing date.

PART 202—INFORMAL AND OTHER PROCEDURES

3. By amending § 202.6 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 202.6 Adoption, revision, and rescission of rules and regulations of general application.

* * * * *

(b) After preliminary consideration by the Commission a draft of the proposed rule is published in the Federal Register and mailed to interested persons (e.g., other interested regulatory bodies, principal registrants or persons to be affected, stock exchanges, professional societies and leading authorities on the subject concerned and other persons requesting such draft) for comments. Unless accorded confidential treatment pursuant to statute or rule of the Commission, written comments filed with the Commission on or before the closing date for comments become a part of the public record upon the proposed rule. The Commission, in its discretion, may accept and include in the public record written comments received by the Commission after the closing date.

(c) Following analysis of comments received, the rule may be adopted in the form published or in a revised form in the light of such comments. In some cases, a revised draft is prepared and published and, where appropriate, an oral hearing may be held before final action upon the proposal. Any interested person may appear at the hearing and/or may submit written comment for consideration in accordance with the Commission's notice of the rulemaking procedure to be followed. The rule in the form in which it is adopted by the Commission is publicly released and is published in the Federal Register.

(Sec. 19(a), 48 Stat. 908; Sec. 23(a), 48 Stat. 901; Sec. 20(a), 49 Stat. 833; Sec. 319(a), 53 Stat. 1173; Sec. 38(a), 54 Stat. 841; Sec. 211(a), 54 Stat. 855; (15 U.S.C. 77s(a), 78w(a), 78t(a), 77sss(a), 80a-37(a), 80b-11(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

Shirley E. Hollis,

Assistant Secretary.

June 12, 1979.

[FR Doc. 79-19075 Filed 6-18-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 6, 10, 123, 161, 171, and 172

[T-D-79-160]

Fines, Penalties, Forfeitures, and Liquidated Damages for Violations of the Customs and Navigation Laws, Amended

Correction

In FR Doc. 79-17245, appearing at page 31950 in the issue of Monday, June 4, 1979, make the following changes:

1. On page 31956, second column, the first word in the twentieth line should read "of".

2. On page 31957, second column, the third word in the ninth line should read "or".

3. On page 31958, third column, the second and third lines of § 162.70(a)(2) should read, "(b) of this section, violations of section 592, Tariff Act of 1930, as amended [19 (U.S.C. 1592)]."

4. On page 31959, third column the fourth and fifth lines of § 162.74(c)(1) should read, "disclosing party and the disclosed information for investigation of a possible violation of 19 U.S.C. 1592 on the".

BILLING CODE 1505-01-M

19 CFR Parts 10, 11, 18, 19, 54, 111, 112, 133, 134, 148, 151, and 162

[T.D. 79-159]

Recordkeeping, Reporting by Customhouse Brokers, Trademarks, and the Disposition of Forfeited Distilled Spirits, Wines, and Malt Liquor, Amended

Correction

In FR Doc. 79-17246, appearing at page 31962 in the issue of Monday, June 4, 1979, make the following changes:

1. On page 31967, second column, the title below the name "George C. Corcoran, Jr." should read, "Acting Commissioner of Customs".

2. On page 31969, second column, the second word in the ninth line of § 148.55(b)(1) should read, "he".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FRL 1250-3; FAP 7H5172/R48]

Paint-on Application of Chlorpyrifos in Food-Handling Establishments

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR 193.85 by establishing a food additive regulation to include paint-on application of chlorpyrifos in food-handling establishments. The regulation was requested by Positive Formulators, Inc. This rule provides for another method of applying chlorpyrifos in food-handling establishments at 2 percent of the active ingredient by weight.

EFFECTIVE DATE: Effective on June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/426-9425).

SUPPLEMENTARY INFORMATION: On October 27, 1977, notice was given (42 FR 56643) that Positive Formulators, Inc., 1044 N. Jerrie Ave., Tucson, AZ 85711, had filed a petition (FAP 7H5172) with the EPA. This petition proposed that 21 CFR 193.85 be expanded to include the use of the insecticide chlorpyrifos (*O,O-*

diethyl *O*-(3,5,6-trichloro 2-pyridyl)phosphorothioate) in the slow-release paint-on formulation for insect control in food handling establishments (places other than private residences including, but not limited to, restaurants, grocery stores, bakeries, bottling plants, and canneries) where food and food products are held, processed, prepared or served. The slow-release product shall be limited to a maximum of 2 percent by weight of the active ingredient. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a two-year rat feeding/oncogenic study and a dog feeding study with no-observed-effect levels (NOEL) of 0.1 milligram (mg)/kilogram, (kg) of body weight (bw)/day, a three-generation rat reproduction study with no effects up to 1 mg/kg bw/day, and an acute delayed neurotoxicity study on hens (negative at up to 100 mg/kg bw).

Based on the two-year rat feeding/oncogenicity study with a 0.1 mg/kg bw/day NOEL and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.01 mg/kg bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from the proposed use does not exceed the ADI.

Desirable data that are lacking from the petition are a lifetime oncogenicity study and a teratology study. The lifetime oncogenicity study is expected to be completed in November 1979 and the teratology study is expected to be completed in late 1979. The petitioner also agreed to voluntarily delete the use of chlorpyrifos in food areas of food-handling establishments from the label should the teratology and life-time oncogenic study exceed the risk criteria for chronic toxicity as delineated in 40 CFR 162.11. Although the oncogenicity evaluation of chlorpyrifos is not complete, it is concluded that based on the available data, the risks are acceptable since the absence of an oncogenic potential is adequately shown in the two-year rat feeding/oncogenicity study.

The metabolism of chlorpyrifos is adequately understood, and an adequate analytical method (gas chromatography with a flame photometric detector) is available for enforcement purposes. Tolerances have previously been established (40 CFR 180.342) on a variety of raw agricultural commodities at levels ranging from 1 ppm to 0.01 ppm. Food additive regulations have also been established permitting the use of chlorpyrifos at a maximum concentration of 0.5 percent for spot and/or crevice treatment and in a controlled-release insect tape as a general treatment in food areas of food-handling establishments. No actions are currently pending against continued registration of chlorpyrifos, nor are any other relevant considerations involved in establishing the proposed regulation.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136). Therefore the regulation amending 21 CFR 193.85 is being promulgated as proposed. Accordingly, a food additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 19, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on June 18, 1979, 21 CFR 193.85 is amended as set forth below.

Dated: June 12, 1979.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)))

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 193, Subpart A, § 193.85, is amended by revising paragraph (a) to read as follows:

§ 193.85 Chlorpyrifos.

* * * * *

(a) Application shall be limited solely to spot and/or crack and crevice treatment in food handling establishments where food and food products are held, processed, prepared or served. Contamination of food or food contact surfaces shall be avoided. Food must be removed or covered during treatment.

(1) Spray concentration for spot treatment shall be limited to a maximum of 0.5 percent of the active ingredient by weight. A coarse, low-pressure spray shall be used to avoid atomization or splashing of the spray.

(2) Paint-on application for spot treatment shall be limited to a maximum of 2 percent of the active ingredient by weight.

(3) Crack and crevice treatment shall be limited to a maximum of 2 percent of the active ingredient by weight. Equipment capable of delivering a pin-stream of insecticide shall be used.

* * * * *

[FR Doc. 79-18973 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

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21 CFR Part 193

[FAP 8H5184/R47; FRL 1251-6]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Aluminum Phosphide

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR 193.20 by establishing a food additive regulation permitting aluminum phosphide residues to come in contact with processed brewer's rice, malt, and corn grits in the manufacture of beer. The amendment to the regulations was requested by Phostoxin Sales, Inc. This rule removes the restriction prohibiting the direct contact of aluminum phosphide with processed brewer's rice, malt, and corn grits.

EFFECTIVE DATE: Effective on June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William Miller, Product Manager (PM) 16, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/755-9315).

SUPPLEMENTARY INFORMATION: On May 10, 1978, notice was given (43 FR 20051) that Phostoxin Sales, Inc., P.O. Box 469, Alhambra, CA 98102, had filed a petition

(FAP 8H5184) with the EPA. This petition proposed that 21 CFR 193.20 be amended by establishing a regulation permitting the direct contact by fumigation of the formulation containing aluminum phosphide in or on processed rice and malt stored in breweries for the manufacture of beer with a tolerance limitation of 0.01 part per million (ppm).

Subsequently, the petitioner amended the petition by adding corn grits to the proposed regulation with a tolerance limitation of 0.01 ppm (43 FR 35385, August 9, 1978). Three comments were received objecting to the proposal on the grounds that: (a) the proposed use is illegal since it violates label directions, (b) alternative low cost methods of fumigation are available, and (c) residues from the proposed use are undesirable toxic contaminants. The Agency having considered the comments and having evaluated the available data concludes that the proposed regulation should be established because (a) it will permit the label to be amended so that the proposed use is in compliance with the label, (b) establishment of the regulation does not preclude an applicator from using any of the other low-cost alternative methods of fumigation in accordance with label directions, and (c) the proposed use is a no-residue situation so that the beer when consumed will not contain any toxicologically significant residues, such as phosphine gas or aluminum phosphide.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The toxicological data considered in support of the proposed tolerances included acute and subacute inhalation studies of phosphine on various animal species. No chronic toxicity data for phosphine residues have been reviewed because such studies are deemed unnecessary for the following reasons:

(1) An acceptable daily intake (ADI) cannot be determined for phosphine since a chronic-feeding study for a gas is difficult if not impossible to achieve.

(2) Only extremely small quantities of residues remain on treated food after aeration.

(3) The small quantities of residues that remain would be further reduced through follow-up procedures, such as processing.

No data have been reported in previous petitions, nor in this one, regarding the transfer of residues resulting from the proposed use to meat, milk, poultry, and eggs. Because phosphine is a highly reactive and fugitive gas, residues of phosphine are not expected in meat, milk, poultry, and eggs as delineated in 40 CFR 180.6(a)(3). An adequate analytical method (colorimetry) is available for enforcement purposes, and the nature of aluminum phosphide is adequately understood.

Tolerances have previously been established for residues of phosphine resulting from application of aluminum phosphide (40 CFR 180.225) on a variety of raw agricultural commodities at levels ranging from 0.1 ppm to 0.01 ppm. A food additive tolerance (21 CFR 193.20) has previously been established for residues of phosphine resulting from application of aluminum phosphide to processed foods at 0.01 ppm. Also a feed additive tolerance (21 CFR 561.40) has previously been established for residues of phosphine resulting from application of aluminum phosphide to processed feeds at 0.1 ppm. No other considerations are involved in establishing the proposed regulation.

The pesticide is considered useful for the purpose for which a regulation is sought. Therefore the regulation permitting residues of aluminum phosphide to come in contact with processed brewer's rice, malt, and corn grits by amending 21 CFR 193.20 is being promulgated as proposed. Accordingly a food additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication in the Federal Register, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on the date of publication in the Federal Register, 21 CFR 193.20 is amended as set forth below.

Dated: June 12, 1979.

Statutory Authority: Section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348(c)(1)].

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 193, Subpart A, section 193.20 is amended by revising paragraph (b) to read as follows:

§ 193.20 Aluminum phosphide.

* * * * *

(b) To assure safe use of the additive, it is used in compliance with label and labeling conforming to that registered with the U.S. Environmental Protection Agency. Labeling shall bear a warning to aerate the finished food for 48 hours before it is offered to the consumer. A further warning shall state that under no condition should the formulation containing aluminum phosphide be used so that it or its unreacted residues will come in contact with any processed food, except processed brewer's rice, malt, and corn grits stored in breweries for use in the manufacture of beer.

* * * * *

[FR Doc. 79-19071 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 520

Oxfendazole Powder and Pellets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends regulations to reflect approval of two new animal drug applications (NADAs) filed by Syntex Agribusiness, Inc., providing for the safe and effective use of the powder and pellet forms of an anthelmintic for horses.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed NADA's 110-776 and 110-777 providing for use of oxfendazole powder and pellets, respectively, in horses for removal of certain large roundworms, pinworms,

large strongyles, and small strongyles. The powder is reconstituted to form a suspension and then administered by either stomach tube or dose syringe. The pellets are sprinkled on the grain portion of the ration.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1628 to read as follows:

§ 520.1628 Oxfendazole powder and pellets.

(a) *Specifications.* (1) As powder for suspension: Each 30-gram packet contains 2.27 grams oxfendazole. (2) As pellets: each 35-gram packet contains 2.27 grams oxfendazole.

(b) *Sponsor.* See No. 017180 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 10 milligrams per kilogram of body weight. One packet treats a 500 pound (227 kilogram) horse and two packets treat the average mature horse (1000 pounds).

(2) *Indications for use.* The drug is used in horses for removal of the following gastrointestinal worms: Large roundworms (*Parascaris equorum*), mature and immature pinworms (*Oxyuris equi*), large strongyles (*Strongylus edentatus* and *Strongylus vulgaris*), and small strongyles.

(3) *Limitations*—(i) *Powder for suspension.* For gravity administration via stomach tube: Add ½ to 1 pint warm water per packet. For positive administration via stomach tube and dose syringe: Add enough water to bring volume to 5 ounces per packet; administer at rate of 1 fluid ounce per 100 pounds of body weight. Discard unused portions of suspension after 24 hours. Administer drug with caution to sick or debilitated horses. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) *Pellets. The drug is given by sprinkling on the grain portion of the ration. Withholding feed or water prior to administration is not necessary. Administer drug with caution to sick or debilitated horses. Not for use in horses intended for food. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.*

Effective date. This regulation is effective June 19, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 12, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79-18299 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 9H5203/R49; FRL1251-8]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Chlorpyrifos

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule amends 21 CFR 561.98 by establishing a feed additive tolerance for residues of the insecticide chlorpyrifos in or on sorghum grain milling fractions for animal feed at 1.5 parts per million (ppm). The regulation was requested by Dow Chemical Co. This rule establishes a maximum permissible level for residues of chlorpyrifos in or on sorghum grain million fractions.

EFFECTIVE DATE: Effective June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Stret, SW, Washington, DC 20460 (202/426–9425).

SUPPLEMENTARY INFORMATION: On January 18, 1979, notice was given (44 FR 3771) that Dow Chemical U.S.A., Midland, MI 48640, had filed a petition (FAP 9H5203) with the EPA. This petition proposed that 21 CFR 561.98 be amended by establishing a regulation permitting combined residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6,-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6,-trichloro-2-pyridinol in or on sorghum grain milling fractions (bran, germ, screenings) intended for animal feed resulting from application of the subject insecticide to growing sorghum with a tolerance limitation of 1.5 ppm. No comments were received by the Agency in response to this notice of filing. (A related document establishing tolerances for residues of chlorpyrifos on sorghum grain, fodder, and forage appears elsewhere in today's Federal Register.)

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The toxicological data considered in support of the proposed tolerance included a two-year rat feeding/oncogenicity study and a dog feeding study with a no-observed-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw). Studies on delayed neurotoxicity and reproduction showed negative potentials. Based on the two-year chronic rat feeding study with the 0.1 mg/kg bw NOEL on cholinesterase activity and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.01 mg/kg bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from the proposed tolerances and tolerances which have previously been established for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 1.50 ppm does not exceed the ADI. A food additive regulation (21 CFR 193.85) has previously been established for chlorpyrifos in food-handling establishments. Feed additive tolerances have also been established (21 CFR 561.93) for residues of chlorpyrifos in dried sugar beet pulp at 1 ppm and sugar beet molasses at 3 ppm.

Desirable data that are lacking from the petition are a lifetime oncogenicity study and a teratology study. In a letter of February 17, 1978, and January 31, 1979, the petitioner indicated that the lifetime oncogenicity study is expected to be completed in May, 1979 and the teratology study is expected to be completed in late 1979. The petitioner also agreed to voluntarily delete the use of chlorpyrifos on sorghum from the label should the lifetime oncogenicity and teratology studies be found to exceed the risk criteria for chronic toxicity in 40 CFR 162.11. Although the oncogenicity evaluation of chlorpyrifos is not complete, it is concluded that

based on the available data, the risks are acceptable since the absence of an oncogenic potential is shown in the two-year rat feeding/oncogenicity study.

The metabolism of chlorpyrifos is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No actions are currently pending against continued registration of chlorpyrifos nor are there any other relevant considerations involved in establishing the proposed tolerance. The established tolerances for residues of chlorpyrifos in milk, meat, poultry, and eggs are adequate to cover the proposed use.

The pesticide is considered useful for the purpose for which a tolerance is sought. Therefore, the regulation establishing a tolerance of 1.5 ppm in or on sorghum fractions (bran, germ, screenings) by amending 21 CFR 561.98 is being promulgated as proposed. Accordingly, a feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 19, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective June 19, 1979. 21 CFR 561.98 is amended as set forth below.

Dated: June 12, 1979.

(Section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1))

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 561 is amended by revising section 561.98 to read as follows:

§ 561.98 Chlorpyrifos.

Tolerances are established for combined residues of the insecticide chlorpyrifos (*O, O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in the following processed feeds when present therein as a result of application of this insecticide to growing crops:

	Parts per million
Feed:	
Sorghum milling fractions	1.5
Sugar beet pulp, dried	1
Sugar beet molasses	3

[FR Doc. 79-19069 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

24 CFR Part 1914

[Docket No. FI 5564]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.[1]

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

[1] The functions of the Federal Insurance Administration, U.S. Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Oklahoma	Johnston	Wapanucka, town of	400337	June 7, 1979, emergency.	May 23, 1976.
Pennsylvania	Mercer	Mill Creek, township of	421871-B	do	Dec. 20, 1974 and June 18, 1976.
Do	Lackawanna	Vandling, borough of	421743	do	Feb. 14, 1975.
Wyoming	Platte	Wheatland, town of	560243-B	July 2, 1975, emergency, Apr. 16, 1979, regular, Apr. 19, 1979, suspended, June 8, 1979, reinstated.	Apr. 12, 1974 and May 7, 1976.
Pennsylvania	Huntingdon	Barree, township of	421093	June 11, 1979, emergency	Dec. 6, 1974.
Florida	Gadsden	Havana, town of	120411	June 12, 1979, emergency.	July 23, 1976.
Idaho	Bonneville	Swan Valley, city of	160154-A	June 11, 1979, emergency	Aug. 29, 1975 and June 14, 1977.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18895 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1915

[Docket No. FI 5565]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The date listed in the eighth column of the table or July 19, 1979, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by federally regulated, insured, supervised, or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 or Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State, county, community name, and number of panels	Community number suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Illinois, Fulton, Fulton County,[1] 0001B, 0007B, 0009B, only.	170241	N-11	I	F	July 21, 1978	June 1, 1979	Paul Woods, Ch. Co. Bd., Courthouse, Lewistown, IL 61542, Phone: (309) 647-0351.
Illinois, Iroquois, Iroquois County,[1] 0003B only	170731	E-12, 14	I	F	May 26, 1978	June 1, 1979	Homer Beall, Jr., Ch. Co. Bd., R. R. #3, Milford, IL 60953, Phone: (815) 432-4911.
Illinois, Saline, Saline County,[1] 0001A-0006A.	170988	E-5	I	F	June 1, 1979	June 1, 1979	Maynard Cannon, Clk., Courthouse, Harrisburg, IL 62946, Phone: (618) 253-8197.
Ohio, Defiance, city of Defiance, 0001B	390144	E-8, 11, 12, 14	I	F	May 17, 1974, July 23, 1976.	June 1, 1979	Kenneth B. Amsbaugh, Mayor, 324 Perry Street, Defiance, OH 43512, Phone: (419) 784-2101.
Ohio, Muskingum, Muskingum County,[1] 0001B only.	390425	E-11, 12, 14	I	F	Mar. 28, 1975, Dec. 23, 1977.	June 1, 1979	William Embrace, Ch. Co. Comm., Zanesville, OH 43701, Phone: (614) 452-4597.
Ohio, Champaign, village of North Lewisburg, 01.	390058B	E-8, 12, 14	I	F	Apr. 5, 1974, Aug. 20, 1976.	June 1, 1979	Max Koates, Mayor, 197 East Maple, North Lewisburg, OH 43060, Phone: (513) 747-3234.
Ohio, Paulding, Paulding County,[1] 0005B only	390777	E-10, 11	I	F	Jan. 27, 1978	June 1, 1979	John Dietrich, Ch. Co. Comm., Courthouse, Paulding, OH 45879, Phone: (419) 399-2051.
Ohio, Tuscarawas, city of Uhrichsville, 0001B.	390547	E-8, 11, 12, 14	I	F	Nov. 9, 1973, July 9, 1976.	June 1, 1979	Burton Peck, Mayor, P.O. Box 268, 305 East Second St., Uhrichsville, OH 44683, Phone: (614) 922-1243.
Pennsylvania, Venango, township of Victory, 0001A-0002A.	422543	E-11, 12, 14	I	F	Jan. 31, 1975	June 1, 1979	Dewayne King, Chairman, R. D #1, Polk, PA 16342, Phone: (814) 432-4935.
Louisiana, Bossier Parish, city of Bossier City, 0001B-0004B.	220033B	E-8, 11, 12	I	F	June 28, 1974, Dec. 12, 1975.	June 5, 1979	Honorable Marvin E. Anding, Mayor, City of Bossier City, P.O. Box 5337, Bossier City, LA 71111, (318) 742-3535.
Louisiana, Lincoln Parish, city of Ruston, 0001A-0004A.	220347A	E-8, 11, 12	I	F	Dec. 24, 1976	June 5, 1979	Honorable John W. Perritt, Mayor, City of Ruston, P.O. Box 260, Ruston, LA 71270, (318) 255-7000.
North Dakota, McKenzie, city of Watford City, 0001A.	380344A	N-5	I	F	June 5, 1979	June 5, 1979	Honorable William E. Feeney, Mayor, Office of Mayor, City of Watford City, P.O. Box 494, Watford City, ND 58854, (701) 842-3294.
Oregon, Union, city of Summerville, 0001A	410222A	E-5	I	F	June 5, 1979	June 5, 1979	Honorable Cecil McDonald, Mayor, City of Summerville, Office of Mayor, P.O. Box 1B, Summerville, OR 97876, (503) 534-2035.
Texas, Denton, town of Copper Canyon, 0001A.	481508A	N-5	I	F	June 5, 1979	June 5, 1979	Honorable Thomas Murray, Mayor, Town of Copper Canyon, Office of Mayor, P.O. Box 1154, Lewisville, TX 75067, (817) 455-2316.
Texas, Chambers, town of Cove, 0001A	481510A	N-5	I	F	June 5, 1979	June 5, 1979	Honorable H. Leroy Stevens, Mayor, Town of Cove, Office of Mayor, Route 2, P.O. Box 190C, Baytown, TX 77520 (713) 383-2751.
Texas, Denton, town of Cross Roads, 0001A.	481513A	N-5	I	F	June 5, 1979	June 5, 1979	Honorable Bob Turner, Mayor, Town of Cross Roads, Office of Mayor, Route 1, Box 87B, Aubrey, TX 76227 (817) 365-2032.
Illinois, Sangamon, village of Chatham, 0001B.	170601	E-8, 11, 12, 14	I	F	Nov. 16, 1973, June 11, 1976.	June 8, 1979	Ginger Ealy, V. Employee, Village Hall, Chatham, IL 62629, Phone: (217) 483-2451.
Illinois, Jackson, city of Grand Tower, 0001A.	170300	E-8, 11, 12, 14	I	F	Jan. 9, 1974	June 8, 1979	Lois Hanson, Clerk, P.O. Box 253, Grant Tower, IL 62942, Phone: (618) 565-2132.
Illinois, Henderson, village of Gulfport, 0001B.	170280	E-11	I	F	Mar. 1, 1974, Jan. 23, 1976.	June 8, 1979	William Lucas, Mayor, Rt. 2, Burlington, IO 52601, Phone: (309) 673-2351.
Illinois, Jackson, Jackson County,[1] 0003B and 0007B only.	170927	N-10	I	F	July 14, 1978	June 8, 1979	William Kelley, Ch. Co. Bd., Rt. 5, Carbondale, IL 62901, Phone: (618) 457-5531.
Illinois, Monroe, Monroe County,[1] 0004B and 0007B only.	170509	E-10, 12	I	F	Dec. 20, 1974, July 7, 1978.	June 8, 1979	Harold Pieper, Ch. Co. Bd., R.R. 2, Waterloo, IL 62298, Phone: (618) 939-8767.
Illinois, Randolph, village of Prairie Du Rocher, 01.	170578B	E-8, 11	I	F	Nov. 23, 1973, Mar. 26, 1976.	June 8, 1979	Lavern Dolron, Mayor, P.O. Box 325, Prairie Du Rocher, IL 62277, Phone: (618) 284-3321.
Illinois, Richland, Richland County,[1] 0001A-0006A.	170995	N-5	I	F	June 8, 1979	June 8, 1979	William Phelps, Ch. Co. Bd., 321 West Main, Olney, IL 62450, Phone: (618) 393-6472 home, (618) 393-4851 work.
Minnesota, Houston, city of Brownsville, 0001B.	270191	E-8, 11, 12, 14	I	F	Oct. 18, 1974, July 2, 1976.	June 8, 1979	Harold Harer, Clerk, City Hall, Brownsville, MN 55919, Phone: (507) 482-6856.
Ohio, Tuscarawas, village of Midvale, 0001A.	390715	E-8, 12, 14	I	F	Feb. 21, 1975	June 8, 1979	Vicki DeMattis, Clerk, Village Hall, Midvale, OH 44653, Phone: (216) 339-3271.
Ohio, Trumbull, village of Orangeville, 0001A.	390751	E-11, 12, 14	I	F	Apr. 18, 1975	June 8, 1979	Gary Langer, Mayor, P.O. Box 116, Orangeville, OH 44453, Phone: (216) 772-5703.

State, county, community name, and number of panels	Community number suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Ohio, Montgomery, village of Union, 0001A	390704	E-9, 12, 14	I	F	Feb. 14, 1975	June 8, 1979	William R. Cooper, Mayor, 105 W. Martindale Rd., Union, OH 45322, Phone: (513) 836-6624.
Pennsylvania, Huntingdon, township of Cass, 0001A.	421638	E-11, 12, 14	I	F	Dec. 27, 1974	June 8, 1979	Tony Forshey, Chairman, Township Building, Calvin, PA 16622, Phone: (314) 449-3750.
Pennsylvania, Huntingdon, township of Miller, 0001A-0002A.	421695	E-11, 12, 14	I	F	Nov 29, 1974	June 8, 1979	Harold Couch, Chairman, R.D. 2, Huntingdon, PA 16652, Phone: (314) 667-3835.
Pennsylvania, Huntingdon, township of Morris, 0001A.	421696	N-11, 12, 14	I	F	Nov 22, 1974	June 8, 1979	Richard Anders, Chairman, Star Rt., Alexandria, PA 16611, Phone: (314) 669-4643.
Pennsylvania, Huntingdon, township of Shirley, 0001A.	421700	E-8, 11, 12, 14	I	F	Dec. 13, 1974	June 8, 1979	Paul E. Gardner, Chairman, R.D. 1, Box 73A, Shirleysburg, PA 17260, Phone: (314) 447-3568.
Pennsylvania, Potter, township of Summit, 0001A-0004A.	422502	E-5	I	F	June 8, 1973	June 8, 1979	Earnest Mocilak, Chairman, R.D. 4, Coudersport, PA 16915, Phone: (314) 274-8523.
Louisiana, unincorporated area, Catahoula Parish, 0001B-0013B.	2200478	E-12	I	F	Nov 23, 1977	June 12, 1979	Mr. H. C. Peck, Jr., Police Jury President, Catahoula Parish, P.O. Box 253, Harrisonburg, LA 71340, (318) 744-5285.
Nevada, unincorporated area, Churchill County, 0026B; 0027B.	3200308	N-11, 12	I	F	Dec. 27, 1977	June 12, 1979	Mr. Bjorn P. Selinder, County Manager, Churchill County Administrative Office, 869 South Maine Street, Fallow, NV 89406, (702) 423-5136.
Oregon, Lincoln, city of Depoe Bay, 0001A	410233A	N-5	C	F	June 12, 1979	June 12, 1979	Honorable Robert L. Jackson, Mayor, Office of Mayor, 630 Highway 101 SE, Depoe Bay, OR 97341, (503) 765-2361.
Texas, Denton, town of Bartonville, 0001A	481501A	N-5	I	F	June 12, 1979	June 12, 1979	Honorable Jim Mims, Mayor, Town of Bartonville, Office of Mayor, Route 3, 409 Stonewood Blvd., Roanoke, TX 76262, (317) 625-2311.
Texas, Waller, city of Pattison, 0001A	481527A	N-5	I	F	June 12, 1979	June 12, 1979	Honorable Allen M. Taylor, Mayor, City of Pattison, Office of Mayor, P O Box 756, Pattison, TX 77466, (713) 934-2711
Texas, unincorporated area, Wharton County, 0009B	4806528	N-8, 12	I	F	Aug 2, 1974, June 20, 1978	June 12, 1979	Honorable Daniel R. Sklar County Judge, Wharton County, 100 Courthouse Building, Wharton, TX 77483, (713) 532-4512.
Utah, Box Elder city of Brigham City, 0001B	490008B	E-11, 12	I	F	June 7, 1974, Jan. 10, 1978.	June 12, 1979	Honorable Peter C. Knudson, Mayor, P.O Box A, Brigham City, UT 84302, (801) 723-5521.
Washington, Clallam, tower Elwha Reservation, 0001A.	530316A	E-5	C	I	June 12, 1979	June 12, 1979	Western Washington Agency, Bureau of Indian Affairs, c/o Mr. Ed White, Tribal Chairman, 3006 Colby Avenue, Everett, WA 98201, (206) 452-8471.
Alabama, Etowah, city of Gadsden, 0001B-0004B.	010030	E-8, 11, 12, 14	I	F	Mar 8, 1974, May 23, 1978.	June 15, 1979	Steve Means, Mayor, P.O Box 267, Gadsden, AL 35901, Phone: (205) 543-9370.
Illinois, Grundy, Grundy County,[1] 0004B only	170259	E-11	I	F	Dec 20, 1974, Feb 3, 1978.	June 15, 1979	Wm. Walters, Ch. Co. Bd., Courthouse, Morris, IL 60450, Phone: (315) 942-0335.
Illinois, Sangamon, Sangamon County,[1] 0010B, 0012B, and 0013B only.	170912	E-9, 11, 12, 14	I	F	May 5, 1978	June 15 1979	Donald Gibbs, Ch. Co. Bd., Courthouse, Springfield, IL 62701, Phone: (217) 753-6650.
Illinois, Fayette, city of Vandalia, 0001C	170233	E-8, 11, 12, 14	I	F	Mar 22, 1974, Mar 19, 1976, Feb. 24, 1978	June 15, 1979	Alvin Wachtsum, Mayor, 219 S. 5th Street, Vandalia, IL 62471, Phone: (618) 283-1196.
Indiana, Madison, town of Frankton, 0001B	180164	E-3, 11	I	F	Dec. 14, 1973, Sept. 12, 1975.	June 15, 1979	Joe Legg, Town Bd. Pres., Town Hall, Frankton, IN 46044, Phone: (317) 754-7904.
Indiana, Pike, Pike County,[1] 0001A-0006A	180473	N-5	I	F	June 15, 1979	June 15, 1979	Darden Horko, Ch. Co. Comm., Courthouse, Petersburg, IN 47567, Phone: (312) 556-4450.
Kentucky, Bullett, city of Shepherdsville, 0001B	210028	E-9, 11	I	F	May 24, 1974, Mar 5, 1976.	June 15, 1979	James T. Sparrow Mayor, City Hall, Shepherdsville, KY 40165, Phone: (502) 543-2323.
New York, Ulster, town of Hardenburgh, 0001A-0005A.	361578	E-5	I	F	June 15, 1979	June 15, 1979	Lester Bowie, Town Supr., Town Hall, Low Beach, NY 12753, Phone: (314) 439-5627 home, (314) 586-4137 office.
Ohio, Huron, village of New London, 0001B	390234	E-8, 11, 12, 14	I	F	May 17, 1974, Apr 9, 1976.	June 15, 1979	Robert Blackman, Mayor, 42 East Main Street, New London, OH 44851, Phone: (419) 929-4091.
Ohio, Miami, city of Piqua, 0001B	390400	E-9, 11, 12, 14	I	F	June 28, 1974, July 25, 1975.	June 15, 1979	Jim Henderson, Mayor, City Hall, Piqua, OH 45356, Phone: (513) 773-1234.
Ohio, Auglaize, city of St. Marys, 0001B	390022	E-8, 11, 12, 14	I	F	May 7, 1974, July 30, 1976.	June 15, 1979	Kay E. Albert, Mayor, 101 East Spring Street, St. Marys, OH 45885, Phone: (419) 394-3303.
Pennsylvania, Crawford, township of Beaver, 0001A-0002A.	422385	E-11, 12, 14	I	F	Feb. 28, 1975	June 15, 1979	Sidney H. Martin, Chmn., R. D. #1, Conneautville, PA 16406, Phone: (314) 587-6236.
Pennsylvania, Venango, township of Clinton, 0001A-0002A.	422531	E-11, 12, 14	I	F	Jan. 17, 1975	June 15, 1979	Fred Eakin, Chmn., R.D. #2, Kennerdell, PA 16374, Phone: (314) 335-6276.

State, county, community name, and number of panels	Community number suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Pennsylvania, Huntingdon, township of Logan, 0001A-0002A.	421694	E-11, 12, 14	I	F	Dec. 6, 1974	June 15, 1979	Raymond Goss, Jr., Chmn., Box 31-1A, R.D. #1, Petersburg, PA 16669, Phone: (814) 669-9031.
Maine, York, town of Limerick, 0001, 002	230194A	E-11, 12	I	F	Jan. 10, 1975	June 15, 1979	Board of Selectmen, Town of Limerick, Box 300, Limerick, Maine 04048.
Maine, York, town of Newfield, 0001, 0002, 0003, 0004.	230196A	E-12	I	F	Feb. 21, 1975	June 15, 1979	Town of Newfield, Town Office, Newfield, Maine 04056.
Maine, York, town of Shapleigh, 0001, 0003	230198A	E-11, 12	I	F	Jan. 17, 1975	June 15, 1979	Town of Shapleigh, P.O. Box 20, Shapleigh, Maine 04076.
New York, Rockland, town of Stony Point, 0001, 0002, 0003, 0004.	360693B	E-12	I	F	May 10, 1974, Sept. 26, 1975.	June 15, 1979	Town Clerk, Town of Stony Point, 74 East Maine Street, Stony Point, NY 10980.
Alabama, Shelby, town of Montevallo, 0001, 0002.	010349B	E-12	I	F	Jan. 28, 1977	June 15, 1979	Town Clerk, Town of Montevallo, 16 South Main Street, Montevallo, AL 35115.
Louisiana, Natchitoches Parish, village of Natchez, 0001A.	220370A	E-5	I	F	June 19, 1979	June 19, 1979	Honorable Lloyd Benjamin, Mayor, Office of Mayor, Village of Natchez, Natchez, LA 71456, (318) 352-6912.
Massachusetts, Franklin, town of Northfield, 0001A; 0003A-0004A.	250124A	E-10, 11, 12, 13	I	F	Aug. 9, 1974	June 19, 1979	Mr. Richard G. Parsons, Chairman, Northfield Planning Board, Town Hall, Northfield, MA 01360, (413) 498-5557.
Texas, Jasper, city of Browndell, 0001A	481542A	N-5	I	F	June 19, 1979	June 19, 1979	Honorable Sybie Walker, Mayor, City of Browndell, Office of Mayor, P.O. Box 518, Jasper, TX, 75951, (713) 698-2495.
Texas, Denton, town of Double Oak, 0001A	481516	N-5	I	F	June 19, 1979	June 19, 1979	Honorable Weldon Word, Mayor, town of Double Oak, Office of Mayor, 200 Timberview, Lewisville, TX 75067, (817) 430-1677.
Texas, Bell, town of Morgan's Point Resort, 0001A.	481525A	N-5	I	F	June 19, 1979	June 19, 1979	Honorable William Gibson, Mayor, Office of Mayor, Town of Morgan's Point Resort, Route 1, Box MP4-19, Belton, TX 76513, (817) 780-1334.
Texas, Liberty, city of Plum Grove, 0001A	481269A	E-5	I	F	June 19, 1979	June 19, 1979	Honorable Kenneth Shilling, Mayor, City of Plum Grove, Office of Mayor, Route 5, Box 322, Cleveland, TX 77327, (713) 689-3949.
Texas, Llano, city of Sunrise Beach Village, 0001A.	481531	N-5	I	F	June 19, 1979	June 19, 1979	Honorable Edward Houy, Mayor, City of Sunrise Beach Village, Office of Mayor, Click Route, Llano, TX 78643, (915) 388-6438.
Illinois, Effingham, city of Altamont, 0001B	170228	E-8, 11, 12, 14	I	F	Mar. 22, 1974, June 11, 1976.	June 22, 1979	Ray Gilbert, Mayor, 202 North Second St., Altamont, IL 62411, Phone: (618) 483-5212.
Illinois, Tazewell, city of Washington, 0001B	170655	E-8, 11, 12, 14	I	F	June 7, 1974, Oct. 24, 1975.	June 22, 1979	Arden Muller, Sr., Mayor, 115 West Jefferson, Washington, IL 61571, Phone: (309) 283-3196.
Illinois, Knox, village of Wataga, 0001B	170354	E-8, 12, 14	I	F	July 7, 1974, May 28, 1976.	June 22, 1979	C. A. Rose, Village President, P.O. Box 371, Wataga, IL 61488, Phone: (309) 375-6642.
Indiana, Fayette, Fayette County,[1] 0003B only	180417	E-12, 14	I	F	Dec. 30, 1977	June 22, 1979	Mike Bunyard, Chairman, Fayette Co. Bd. of Comm., 401 Central, Connersville, IN 47331, Phone: (317) 825-1213.
Indiana, Huntington, Huntington County,[1] 0004B only.	180438	N-11, 12, 14	I	F	Mar. 3, 1978	June 22, 1979	Jack Snowden, President, County Comm., 4th Floor Courthouse, Huntington, IN 46750, Phone: (219) 356-5900.
Indiana, Knox, Knox County,[1] 0003B, 0005B-0006B, 0008B-0009B only.	180422	E-10, 11, 12, 14	I	F	Mar. 10, 1978	June 22, 1979	Glenn A. Kolby, Exec. Dir. of Planning Comm., 7th and Busseron Sts., Courthouse, Vincennes, IN 47591, Phone: (812) 886-4042.
Indiana, Wells, Wells County,[1] 0001B and 0003B only.	180288	E-11, 12, 14	I	F	Dec. 13, 1974, May 27, 1977.	June 22, 1979	Albert Myers, President, Bd. of Comm., Courthouse, Bluffton, IN 46714, Phone: (219) 824-3224.
Ohio, Summit, city of Barberton, 0001B	390524	E-8, 11, 12, 14	I	F	May 24, 1974, July 30, 1976.	June 22, 1979	Lawrence A. Maurer, Mayor, City Hall, Barberton, OH 44203, Phone: (216) 753-6611.
Ohio, Hancock, Seneca, and Wood, city of Fostoria, 0001B.	390245	E-8, 11, 12, 14	I	F	Apr. 12, 1974, Apr. 16, 1976.	June 22, 1979	George Peeler, Mayor, 213 South Main St., Fostoria, OH 44830, Phone: (419) 435-8243.
Ohio, Pickaway, Pickaway County,[1] 0004B only.	390445	E-11, 12, 14	I	F	June 2, 1978	June 22, 1979	L. R. Liston, Chairman Co. Comm., Rm 5, Courthouse, Circleville, OH 43113, Phone: (614) 474-6093.
Pennsylvania, Huntingdon, township of Lincoln, 0001A-0002A.	421693	N-11, 12, 14	I	F	Jan. 3, 1975	June 22, 1979	Richard K. Isett, Chairman, R. D. #1, James Creek, PA 16657, Phone: (814) 658-3027.
Pennsylvania, Venango, township of Oil Creek, 0001A-0002A.	422537	E-11, 12, 14	I	F	Jan. 24, 1975	June 22, 1979	Wayne H. Spence, Chairman, R. D. #1, Pleasantville, PA 16341, Phone: (814) 589-7704.
Pennsylvania, Venango, township of President, 0001A-0003A.	422112	E-11, 12, 14	I	F	Jan. 10, 1975	June 22, 1979	Homer L. Hill, Chmn., Star Rt. 3, Tionesta, PA 16353, Phone: (814) 676-6895.

State, county, community name, and number of panels	Community number suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Wisconsin, Dodge, village of Brownsville, 01	550096B	E-11	I	F	Sept. 6, 1974, June 4, 1976.	June 22, 1979	Dale R. Micheal's, Vil. Pres., P.O. Box 128, Brownsville, WI 53006. Phone: (414) 583-3132.
Arizona, unincorporated area, Pinal County, 0027B-0028B; 0035B-0036B	040077	E-12	I	F	Jan. 10, 1975, Feb. 7, 1978.	June 26, 1979	Mr. Terry Smith, Department of Planning and Zoning, Board of Supervisors, Pinal County, County Courthouse, Florence, AZ 85232, (502) 868-5801.
Montana, unincorporated area, Custer County, 0008A-0009A; 0014A.	300147A	N-S	I	F	June 26, 1979	June 26, 1979	Mr. Walter J. Ulmer, Chairman, Custer County, Board of County Commissioners, Miles, MT 59301, (406) 232-1347.
Texas, Kaufman, city of Berryville, 0001A	481541A	N-S	I	F	June 26, 1979	June 26, 1979	Honorable James E. Berry, Mayor, Office of Mayor, City of Berryville, Route #1, P.O. Box #140-9, Frankston, TX 75763, (214) 876-2975.
Texas, Denton, town of Eastvale, 0001A	481517A	N-S	I	F	June 26, 1979	June 26, 1979	Honorable Mrs. Mozelle Crawford, Mayor, Office of Mayor, Town of Eastvale, Route 3, Box 321, Lewisville, TX 75056, (214) 370-3000.
Texas, Kaufman, town of Oak Ridge, 0001A	481534A	N-S	I	F	June 26, 1979	June 26, 1979	Honorable Walt Dickerson, Mayor, Office of Mayor, Town of Oak Ridge, Route 2, Box 45A, Terrell, TX 75160, (214) 563-3352.

[1] Unincorporated area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18896 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 138

[T.D. 7629]

Exemption From Motor Fuels Excise Taxes for Certain Alcohol Fuels

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to exemption from motor fuels excise taxes for certain alcohol fuels. Changes in the applicable tax law were made by the Energy Tax Act of 1978. These regulations affect producers and sellers of motor fuels and provide them with the guidance needed to comply with the law.

DATE: These regulations apply generally to sales after December 31, 1978, and prior to October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert H. Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 Attention: CC:LR:T 202-566-3328, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to the exemption from motor fuels excise taxes for certain alcohol fuels (gasohol) under section 221 of the Energy Tax Act of 1978 (Pub. L. 95-618, 92 Stat. 3185) ("Act"). The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject. A notice of proposed rulemaking with respect to final regulations appears elsewhere in this issue of the Federal Register.

Section 221 of the Act amended section 4081 and 4041 of the Internal Revenue Code of 1954 (Code) relating to excise taxes on motor fuels. Under section 4081 a 4 cent a gallon tax is imposed upon gasoline sold by a producer or importer. Under section 4041 a 4 cent a gallon tax is imposed on the retail sale or use of diesel and special motor fuels. Noncommercial aviation fuel is taxed at the rate of 7 cents a gallon on any liquid other than gasoline and 3 cents a gallon on gasoline (in addition to the 4 cents imposed under section 4081).

Section 221 of the Act added a new subsection (c) to section 4081 and a new subsection (k) to section 4041 of the Code. Under these amendments the excise taxes on motor fuels do not apply generally to certain sales of qualifying mixtures of motor fuels and alcohol (gasohol) or to the sale of motor fuels for the purpose of producing gasohol.

On February 22, 1979, the Internal Revenue Service issued IR-2099 which provided interim guidance to those wishing to take advantage of the exemption. Producers of qualifying mixtures of gasoline and alcohol, as defined in the Act, may register to purchase gasoline free of the federal excise tax. Producers were directed to register by filing Form 637, *Registration for Tax-Free Transactions Under Chapter 32 of the Internal Revenue Code*, with their Internal Revenue Service District Director. Any person who in the ordinary course of a trade or business regularly purchases gasoline and alcohol in bulk quantities for mixing could be considered a producer for this purpose.

These regulations supersede the interim guidance given in IR-2099 and provide additional rules to clarify the

scope and application of the exemption relating to gasohol.

Refunds or Credits

There is no provision in the Code that provides for a refund or credit with respect to tax-paid gasoline used in producing gasohol. Congress is presently considering amending the Code to allow such a refund in section 108(c)(2) of the Technical Corrections Bill of 1979 (H.R. 2797). For refund or credit provisions relating to diesel, special motor and noncommercial aviation fuels, see § 138.4081(c)–1 (f).

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the need for immediate guidance to persons wishing to produce or sell gasohol. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Drafting Information

The principal author of this regulation is Robert H. Waltuch of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Title 26 of the Code of Federal Regulations, Part 138 is amended by inserting in the appropriate place the following new sections 138.4041(k)–1 and 138.4081(c)–1:

§ 138.4041(k)–1 Fuels containing alcohol.

Under section 4041(k) the tax imposed under section 4041 does not apply to the sale or use of any liquid fuel at least 10 percent of which consists of alcohol. Except where a different rule has been expressly provided, purchasers and sellers of liquids under section 4041(k) are subject to the same requirements and limitations as are imposed on purchasers and sellers of gasoline under section 4081(c). See, § 138.4081(c)–1.

§ 138.4081(c)–1 Gasoline mixed with alcohol.

(a) *In general.* Under section 4081(c) the tax imposed by section 4081 on the sale of gasoline does not apply to the sale of qualifying gasohol or to the sale of gasoline for the purpose of producing qualifying gasohol if the requirements of this section are met. Qualifying gasohol is referred to in this section as gasohol. Gasohol is a blend of gasoline and alcohol (whether domestic or imported alcohol) in a mixture at least 10 percent of which contains alcohol made from any product other than petroleum, natural gas, or coal. In determining whether the 10 percent alcohol requirement has been met, alcohol that is 95 or more percent pure (190 degrees or more of proof) will be considered pure if no part of the impurity is gasoline. To the extent that the alcohol is less than 95 percent pure or to the extent that any part of the impurity is gasoline, a corresponding increase in the amount of alcohol is required to meet the 10 percent requirement. For certain requirements imposed on producers of alcohol (ethanol) under chapter 51 of the Code relating to distilled spirits, see 27 CFR Part 201. For certain requirements imposed on purchasers of specially denatured alcohol (ethanol), see 27 CFR Part 211.

(b) *Sale of gasoline to produce gasohol.* Under section 4081(c) the sale of gasoline for the purpose of producing gasohol is not exempt unless the sale is in bulk quantities for delivery into a bulk storage tank of a producer who meets the requirements of this section. For purposes of section 4081(c), the term "producer" means any person who in the ordinary course of its trade or business regularly buys gasoline and alcohol in bulk quantities for blending for use in its trade or business or for resale. Thus, the mere purchase of gasoline for blending into gasohol does not qualify a person as a producer. A person is not a producer for purposes of section 4082 merely because such a person is a producer of gasohol as defined in this section. Thus, the provisions of section 4083 (relating to certain exempt sales to producers) do not necessarily apply.

(c) *Requirement for gasohol producers purchasing tax free—(1) Certificate of Registry.* A person qualifying as a producer who wishes to purchase gasoline tax free for the purpose of producing gasohol must be registered with the district director for the district in which its principal place of business is located, unless exempt from registration requirements under section 4222(b). A person registers, if not previously registered, by completing and filing Form 637, *Registration for Tax-Free Transactions Under Chapter 32 of the Internal Revenue Code,* in duplicate, in accordance with its instructions. Copies of Form 637 may be obtained from any district director. Upon approval a registry number is assigned and a Certificate of Registry is issued. At the time of purchase, a registered producer must furnish to the seller in writing its registry number together with its signed statement of the exempt purpose of the purchase. Persons not required to be registered under section 4222(b) may purchase tax free by following the procedure that applies to them in the case of other tax-free sales. See § 48.4222(b)–1.

(2) *Revocation or suspension of registration.* The district director is authorized to revoke or temporarily suspend, upon written notice, the registration of any person and the right of such a person to purchase gasoline tax free under section 4081(c) in any case in which the district director finds that—

(i) The registrant is not a bona fide producer of gasohol;

(ii) The registrant failed to comply with the requirements of paragraph (c)(1) of this section, relating to the evidence required to support a tax-free sale;

(iii) The registrant has used its registration to avoid the payment of any tax imposed by chapter 31 or 32 of the Code, or to postpone or interfere in any manner with the collection of such a tax;

(iv) The revocation or suspension is necessary to protect the revenue; or

(v) The registrant is for some other reason not eligible under this section to retain a Certificate of Registry.

The revocation or suspension of registration is in addition to any other penalty that may apply under the law for any act or failure to act.

(d) *Seller not relieved of liability in certain cases.* The seller of the gasoline remains liable for the tax imposed under section 4081 if at the time of the sale the seller of the gasoline has reason to believe that all the gasoline sold by it to the purchaser is not intended for blending into gasohol or that the purchaser has failed to register or that its registration has been revoked or suspended.

(e) *Special rules—(1) Limitation on tax-free sales.* The exemption from the excise tax under section 4081(c) applies to the sale of gasoline only for use in producing gasohol. Therefore, unless the sale is exempt under another provision of the Code, the seller of the gasoline may sell tax free only that portion of the gaoline that is intended for use in producing gasohol.

(2) *Credit sales to exempt users.* Under section 6416 of the Code, the producer of gasoline is entitled to a refund or credit if tax-paid gasoline is

ultimately sold to tax-exempt users in a case to which section 6416 (b) (2) (A), (B), (C), (D), or (H) applies. To determine the amount of overpayment, the producer of gasoline, among other things, must be able to establish the amount of tax-paid gasoline that was sold by the ultimate vendor to tax-exempt users. Therefore, if the ultimate vendor sells both tax-paid gasoline and gasohol on credit and the sales of the two kinds of fuels are not clearly distinguished, the producer of the gasoline will not be entitled to a credit or refund with respect to the tax-paid gasoline if it can not establish the amount of the tax-paid gasoline sold by the ultimate vendor to tax-exempt users.

(f) *Refunds and credits*—(1) *Gasoline.* Except as provided in paragraph (f)(2) of this section, there is no provision in the Code that allows a refund or credit with respect to tax-paid gasoline used in producing gasohol.

(2) *Mixture of gasoline and alcohol containing more than 40 percent alcohol.* If a purchaser buys gasoline tax paid for blending a mixture of gasoline and alcohol containing more than 40 percent alcohol, that mixture will be treated as a special fuel under section 4041 and the refund provisions in section 6416 and the regulations under that section apply.

(3) *Diesel, special motor, and noncommercial aviation fuels.* If a producer (as defined in paragraph (b) of this section) buys diesel, special motor, or noncommercial aviation fuels tax paid and uses the fuel in producing exempt gasohol, then the refund provisions in section 6427 of the Code and the regulations under that section apply.

(g) *Later separation and failure to blend*—(1) *Gasoline.* If any person fails to blend gasoline purchased tax free under section 4081(c) with alcohol to make gasohol, or later separates the tax-free gasoline from the alcohol, that person is treated as a producer of gasoline as defined in section 4082 and the provisions of section 4081 relating to the sale of gasoline by a producer apply. If gasoline has been purchased tax free for the purpose of producing gasohol in excess of the amount of gasoline that the purchaser is able to establish has actually been used to produce gasohol by the records required under paragraph (h)(3) of this section, the purchaser is treated as having failed to blend the excess gasoline, and the provisions of this paragraph apply. In such a case, any of the excess gasoline that is not in the purchaser's possession is treated as having been disposed of by sale or by a use that is treated as a sale under section 4082(c). See section 7201 for criminal penalties relating to a willful attempt to evade or defeat tax, and sections 6651 and 6653 for additions to tax for failure to file a return or pay tax and for negligence and fraud.

(2) *Diesel, special, and noncommercial aviation fuels.* If any person separates the diesel, special, or noncommercial aviation fuel purchased tax free under section 4041(k) from the alcohol, the separation is treated as a sale of the fuel for purposes of section 4041.

(h) *Information; records*—(1) *Information to be furnished to purchaser.* A producer of gasoline who sells gasoline tax free under section 4081(c) shall indicate to the purchaser that the purchaser is obtaining gasoline tax free for making gasohol. The producer may transmit this information by any convenient means, such as coding of sales invoices, provided that the information is presented with sufficient particularity so that the purchaser is informed that he has obtained the gasoline tax free and the purchaser can compute and remit the tax due if the gasoline is diverted to a taxable use.

(2) *Records of seller.* Every person who, but for this section would be liable for the excise tax on the sale of the gasoline, shall maintain in its records—

(i) The identity of the purchaser,

(ii) The written statement required to be given to the seller under paragraph (c) of this section, and

(iii) The quantity of gasoline sold tax free to each purchaser.

(3) *Records of producer of gasohol.* Any person purchasing gasoline tax free for the purpose of producing gasohol must maintain sufficient records to establish that the gasoline purchased tax free for the purpose of producing gasohol has actually been used for that purpose. Such a person must maintain records sufficient to establish to the satisfaction of the district director that alcohol, of the requisite kind, has actually been obtained by it in a quantity sufficient to have enabled it to have produced the full amount of gasohol that could have been produced from the quantity of gasoline it has acquired tax free for the purpose of producing gasohol.

(i) *Effective dates.* Section 4081(c) (relating to gasoline mixed with alcohol) applies to sales after December 31, 1978, and before October 1, 1984. Gasoline sold prior to January 1, 1979, and which is blended into gasohol after that date is not exempt from the tax under section 4081(c) of the Code. Section 4041(k) (relating to fuels other than gasoline) applies to sales or use after December 31, 1978, and before October 1, 1984. Where the special fuels have been blended into gasohol and have been put into the tank of a vehicle prior to January 1, 1979, the fuels are considered used prior to that date. The record-keeping requirements under this section apply to sales or uses that occur after July 19, 1979.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805); secs. 4041(k), 4081(c) of the Code)

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: June 7, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 79-19025 Filed 6-14-79; 2:48 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 644

[EP 405-1-2]

Real Estate Handbook; Relocation Assistance Program; Correction

AGENCY: U.S. Army Corps of Engineers, DOD

ACTION: Final rule.

SUMMARY: On January 15, 1979 (44 FR 3168) the U.S. Army Corps of Engineers published certain portions of the Real Estate Handbook describing existing procedures pertinent to the real estate activities of the Corps. The section number 644.121 assigned therein to Subpart D—Relocation Assistance Program is hereby redesignated as § 644.175, Cross Reference, to allow additional expansion for Subpart C.

EFFECTIVE DATE: January 2, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie L. Pitchford, Jr., Chief, Programs Division, Real Estate Directorate, Office of the Chief of Engineers, Washington, D.C. 20314 (202-693-6285).

Dated: June 12, 1979.

Thorwald R. Peterson,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 79-19043 Filed 6-18-79; 8:45 am]

BILLING CODE 3710-92-M

Department of the Air Force

32 CFR Part 842

Administrative Claims; Miscellaneous Amendments

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The following amendments to the administrative claims regulations reflect recent statutory changes, and promulgates changes in policy. The amendments will also simplify the settlement and disposition of administrative claims.

EFFECTIVE DATE: April 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Francis B. Van Nuys, Deputy Chief, Claims and Tort Litigation Staff, Office of the Judge Advocate General, Washington, DC 20324 (202-693-0350).

SUPPLEMENTARY INFORMATION. The provisions of Part 842 are issued under authority of Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

The amendments will read as follows:

1. Section 842.8 is amended by revising the caption for paragraph (a)(1) to read as follows:

§ 842.8 Action on disapproving claims.

(a) * * *

(1) *Claims under Subpart C and M.*

* * *

* * * * *

§ 842.12 [Amended]

2. Section 842.12 is amended as follows:

A. Paragraph (a) is amended by deleting the word "and" at the end of the last sentence, and by substituting a "period" in place of the "comma", after the word "implied".

B. Paragraph (c) is revised to read as follows:

* * * * *

(c) Claims for damage to or loss or destruction of property that result from an act or omission that occurred outside the scope of a member's employment which are cognizable under other claims statutes may be processed under this regulation, in whole or in part, if specific authority has been obtained from HQ USAF/JACC (Subparts C, E, G, or M of this part).

3. Section 842.24 is amended to revise Rule 7, Column (B) Remarks, to read as follows:

§ 842.24 Cognizable claims not payable.

* * * * *

Except if loss was not recovered and is no longer recoverable and the reason it is not recoverable is not the knowing or intentional act or omission of the claimant, his agent, or his employee. Claim should then be processed in same manner as if claimant did not have insurance.

4. Section 842.31 is amended to revise paragraph (c) to read as follows:

§ 842.31 Property recovered by claimant.

* * * * *

(c) Disclaim any interest in the property and request that it be turned over to the Defense Property Disposal Office. (10 U.S.C. 2575(a)).

5. Section 842.32 is amended to revise paragraph (a)(1) and to add paragraphs (b), (b)(1), (b)(2), (b)(3), and (c) to read as follows:

§ 842.32 Items turned in for salvage.

* * * * *

(a) * * *

(1) Notifies the claimant in writing that the item must be delivered to the Defense Property Disposal Office as a condition to payment awaiting turn-in. EXCEPTION: If claims officer had determined that the cost to turn the property in to Government salvage would exceed its monetary value, he may ask the claimant to discard it.

(2) * * *

(b) The claims officer, upon receipt of approving authority's notice.

(1) Completes DD Form 1345-1 or other form as prescribed by the local property disposal office and makes sure that copies accompany the property to the local property disposal office.

(2) Determines whether Government transportation is necessary to carry the item(s) to the local Defense Property Disposal Office activity; if so, DD Form 1348-1 is authority for transportation.

(3) Determines necessary action if the description of property on DD Form 1845 does not agree with the item to be turned in.

(c) The Defense Property Disposal Office uses DD Form 1348-1 to receipt for property turned in for salvage, returns two copies to the delivering agent, and turns one copy over to the claims office for inclusion in the claim file.

6. Section 842.43 is amended to add Rule 8 to read as follows:

§ 842.43 Proper claimants.

Rule	Proper claimant (A)	Scope of limitations (B)
*	*	*
8	Air Force military or civilian health care providers.	For judgment or settlement resulting from litigation concerning acts committed within the scope of their employment as authorized by 10 U.S.C. 1089(f) and DOD Directive 6000.6. After investigation, forward all such claims to HQ USAF/JACC for settlement. (See Para. 7-6d)

7. Section 842.46 is amended to add paragraph (d) to read as follows:

§ 842.46 Claims payable under this subpart.

* * * * *

(d) Claims by Air Force military or civilian health care providers (see § 842.43, Rule 8). Payable costs resulting from claims or suits against individuals by 10 U.S.C. 1089(f) shall include any costs of judgment which are taxed by a court, costs of a settlement or compromise approved by the Attorney General, normal litigation expenses and such interest as any medical personnel may be obligated to pay by any court order or by statute. Costs for attorney's fees shall not be payable unless the retention of the attorney was approved by the Attorney General.

8. Section 842.49 is amended to revise paragraph (e) to read as follows:

§ 842.49 Settlement authority.

* * * * *

(e) *Claims recommended for payment in excess of $25,000.*

(1) The Secretary of the Air Force may disapprove a claim or, if he considers it meritorious and otherwise covered under this subpart make an award in an amount greater than $25,000.

(2) Upon receipt of a settlement agreement in full satisfaction of the claim, he may authorize a partial payment of $25,000 (including any emergency payment under § 842.4). Generally emergency payments are made only for personal, not corporate, claims (§ 842.4). The Secretary will return the claim to the Judge Advocate General for payment action. The claim will be forwarded to the General

Accounting Office for certification to the Treasury of the balance due claimant.

9. Section 842.54 is amended to revise paragraphs (c)(4) to read as follows:

§ 842.54 Settlement authority.

* * * * *

(4) When the Secretary approves a claim in excess of $25,000, the Judge Advocate General will prepare a letter of transmittal with appropriate documentation to the Claims Division, General Accounting Office, Washington, D.C. 20548, for GAO certification and payment by the Department of the Treasury.

10. Section 842.141 is amended to revise paragraph (a) to read as follows:

§ 842.141 Assertable claims.

A claim is assertable if:

(a) It is based on injury or disease that occurred after January 1, 1963 either under circumstances creating tort liability for the payment of damage upon a third person, or under circumstances wherein the United States is an eligible third-party beneficiary of a medical payment, uninsured motorist, no-fault, or workmen's compensation insurance policy.

11. Section 842.143 is amended to revise paragraph (b) to read as follows:

§ 842.143 Notification of injured party.

* * * * *

(b) The injured party, when desiring to do so, may seek the advice of legal counsel concerning any possible claim for personal injury or disease and furnish the base staff judge advocate the name and address of any civilian attorney retained.

12. Section 842.145 is amended to revise paragraph (a) to read as follows:

§ 842.145 Compromise settlements.

(a) Compromise of the Government's claim is authorized if the injured party or his or her attorney requests, in writing, that the United States accept less than the full amount of its claim. Normally such a request is based upon the proposed acceptance by the injured party of less than the total assets available due to either questionable liability or litigation risks. The Government's claim should ordinarily be compromised for an amount which bears the same percentage relationship to the amount claimed as the settlement does to the jury verdict expectancy. For example, if the Government's claim is $3,000 and the jury verdict expectancy is $15,000 but the injured party elects to settle for a total of $10,000, the United States should compromise for ⅔ of its claim, or $2,000.

13. Section 842.147 is amended to revise paragraph (a) to read as follows:

§ 842.147 Settlement authority.

(a) The Secretary of the Air Force may accept the full amount of any hospital recovery claim, or he may compromise or waive any such claim not in excess of $40,000. The Secretary has delegated and limited this authority as shown in 842.148.

14. Section 842.148 is amended to revise Rule 2, Column A, as amended § 842.148 reads as follows:

§ 842.148 Settlement authorities for hospital recovery claims.

RULE	A If a claim is for	B then payment may be accepted in full and a release signed by	C it may be compromised, settled, or waived by
1	any amount	The Judge Advocate General. The Asst Judge Advocate General. Director of Civil Law, Chief, Deputy Chiefs, and Branch Chiefs, Claims and Tort Litigation Staff SJAs and their designees of PACAF, and USAFE, and GCMs with PACAF and USAFE. SJAs and their designees of bases, stations, and fixed installations	
2	$40,000 or less		The Judge Advocate General. The Asst Judge Advocate General. Director of Civil Law, OTJAG. Chief, Deputy Chief, and Branch Chiefs Claims and Tort Litigation Staff. See note 2.
3	$15,000 or less		SJAs and their designees of PACAF and USAFE
4	$7,500 or less		SJAs and their designees of one-base GCMs and GCMs of PACAF and USAFE
5	$5,000 or less		SJAs and their designees of each base, station, or fixed installation.

Note.—Claims over $40,000 that cannot be collected in full may be acted on only with the approval of the Department of Justice.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

BILLING CODE 3910-01-M

[FR Doc. 79-19041 Filed 6-18-79; 8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Yellowstone National Park, Wyoming, Montana, Idaho; Fishing Regulations

AGENCY: National Park Service, Interior.

ACTION: Final Rule.

SUMMARY: The proposed regulations set forth below are a partial revision of existing regulations promulgated to control sport fishing within Yellowstone National Park. Controls are necessary to protect native fish species and to provide for sport fishing with adequate replenishment of fish populations through natural reproduction. Research findings and field-experience indicate the need for further protection of native species, for correction of difficult law enforcement situations and for relaxed limits on certain exotic species.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Superintendent, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, Wyoming 82190.

SUPPLEMENTARY INFORMATION:

Previous Publications

A Notice of Proposed Rulemaking was published in the Federal Register of March 30, 1979 (44 FR 18995), proposing a regulation substantially the same as the regulations set forth below.

The purpose of this amendment is to:

1. Protect spawning fish in the Gardner River and in Trout Lake from illegal fishing methods.

2. Protect delicate thermal features along portions of the Firehole River and to avoid accidental burns to fishermen.

3. Protect an ecologically unique fish population in Three Ponds north of Snake River Hot Springs.

4. Provide for catch-and-release fishing only on Beula and Hering Lakes and adjacent streams, on Sportsman Lake, on upper Cougar Creek, on the Cascade Creek drainage near Canyon, on the Sylvan Lake drainage, on Sedge Creek above Turbid Lake, on those portions of the Bechler River containing genetically pure cutthroat trout and for cutthroat trout in Blacktail Deer Creek and Blacktail Ponds.

5. Correct Paragraph (2) Open Fishing Season, to properly indicate the daily period in which fishing is permitted.

6. Correct the catch-and-release regulation on Pelican Creek drainage to include only that portion of the drainage above the lower two miles, the latter which is closed to fishing.

7. Extend the additional catch limit on brook trout to the Gallatin River and Grayling Creek drainages and to include brown trout in the added limit on these drainages only.

8. Provide for the ecologically correct disposal of fish entrails in the backcountry.

Season changes on Trout Lake and on a portion of the Gardner River will protect spawning trout from illegal fishing methods such as snagging and clubbing. Closing a portion of the Firehole River will help to prevent damage to thermal features on the river bank and will lessen the possibility of fishermen accidentally stepping into hot pools. The small ponds north of Snake River Hot Springs are the only known waters containing all the fish species native to the upper Snake River and in an unaltered condition. Closure to fishing will preserve this unique ecosystem for research purposes.

Catch-and-release fishing on several waters in the park will preserve native strains of cutthroat trout. Paragraph (2) Open Fishing Season incorrectly indicates the daily fishing period. The catch-and-release regulation on Pelican Creek was written incorrectly and is confusing. The additional limits of brook and brown trout in the Gallatin River and Grayling Creek drainages will help to shift fishing pressure from the rarer native species to the more competitive non-native fish.

General park regulations prohibit disposing of fish entrails in any fresh water. A special regulation permitting this will provide a more ecologically correct method of disposal in a natural area and will avoid creating an attraction to bears that results from burying the entrails or from the often ineffective attempts at burning them in a campfire.

Comments No specific objections to the proposed rule changes were received during the 30-day comment period which was provided. Three letters were received which were in favor and encouraged the adoption of the proposed changes. One letter and five phone calls were received requesting copies of the proposed regulations However, no comments were subsequently received from these inquiries. One letter was received disagreeing with our overall fisheries program, but did not make specific comments on the proposed regulations.

In view of the fact that the summer fishing season has already begun, the National Park Service has determined that immediate implementation of these regulations is necessary to adequately provide for resource protection. Therefore, it is deemed neither necessary nor constructive to delay the effective date for 30 days after this publication.

Authority

(Sec. 3, Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended; 16 U.S.C. 20), 245 DM 1 (42 FR 12931), as amended)

Drafting Information

The primary author of this regulation is Jerry R. Phillips, Assistant Chief Ranger, Yellowstone National Park.

Impact Analysis

The National Park Service has determined that this document is not a significant rule requiring preparation of a regulatory analysis under Executive Order 12044 and Part 14 of Title 43 of the Code of Federal Regulations; nor is it a major Federal action significantly affecting the quality of the human environment which would require preparation of an Environmental Impact Statement. An Environmental Statement for the Master Plan for Yellowstone National Park which discusses, among other things, the impacts of controlling fishing within the park, has been prepared by the National Park Service. This statement is available for review at the address given above, or interested

parties may request copies of it from the Superintendent.

Boyd Evison,

Acting Associate Director, Management and Operations.

In consideration of the foregoing, paragraphs (e)(2), (3)(ix), (xi), (xii); (5)(vii) through (xvi), (6)(v) and (10)(i) of § 7.13 of Title 36, Code of Federal Regulations, are revised as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing.* * * *

(2) *Open Fishing Season.* * * *

(i) All rivers and creeks in the Yellowstone River drainage above the Upper Falls at Canyon except as otherwise provided in paragraph (e)(3) of this section, are open to fishing between the hours of 5 a.m. and 10 p.m., local time, from July 15 through October 31. Rivers and creeks include those portions of Yellowstone Lake marked by buoys within 100 yards of the river or creek inlet.

(ii) All lakes in the Yellowstone River drainage above the Upper Falls at Canyon, except as otherwise provided in paragraph (e)(3) of this section, are open to fishing between the hours of 5 a.m. and 10 p.m., local time, from June 15 through October 31. The marking buoys in the vicinity of the outlet of Yellowstone Lake shall define the northern limit of Yellowstone Lake.

(iii) The Trout Lake drainage above Soda Butte Creek, including Trout, Buck and Shrimp Lakes, shall be open between the hours of 5 a.m. and 10 p.m., local time, from June 15 through October 31.

(iv) All other waters, except as provided in paragraph (e)(3) of this section, are open to fishing between the hours of 5 a.m. and 10 p.m., local time, from May 28 through October 31.

* * * * *

(3) *Class Waters.* * * *

(ix) The Firehole River, from the road bridge one-half mile east of Old Faithful downstream to the road bridge at Biscuit Basin, including any other portions of the Firehole River, identified by the posting of appropriate signs, which lie in the immediate vicinity of hazardous or fragile thermal features.

* * * * *

(xi) The Gardner River between Mammoth Hot Springs and the North Boundary, where and when posted, on or after September 1 until the end of the park fishing season.

(xii) The three ponds one-half mile north of Snake Hot Springs.

* * * * *

(5) *Catch-and-Release Waters.* * * *

(vii) Pelican Creek and all its tributaries from two miles above the mouth to the headwaters.

* * * * *

(ix) Sylvan Lake, including its inlets, and the outlet downstream to Clear Creek.

(x) The Cascade Creek drainage near Canyon Village, including Cascade Lake.

(xi) The Falls River drainage above the falls at the 7200 foot contour, as posted, including Beula and Hering Lakes.

(xii) Sportsman Lake, including the inlets and the outlet downstream to Mol Heron Creek.

(xiii) Cougar Creek above the Gneiss Creek trail crossing.

(xiv) The Bechler River and its tributaries above Colonnade Falls.

(xv) Sedge Creek and its tributaries above Turbid Lake.

(xvi) Blacktail Deer Creek drainage, including Blacktail Ponds, for cutthroat trout only.

* * * * *

(6) *Daily Limits by Waters.* * * *

(v) The Gallatin River and Grayling Creek and their tributaries, and Cougar Creek below the Gneiss Creek trail crossing: Five fish, any size, of which at least three must be brook or brown trout.

* * * * *

(10) *Disposal of Fish Entrails.* * * *

(i) In those backcountry waters, designated by the Superintendent, fish entrails may be disposed of by puncturing the air bladder and depositing the entrails in deep water in the lake or stream from which the fish was taken.

* * * * *

[FR Doc. 79-19020 Filed 6-18-79; 8:45 am]
BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1245-7]

Texas, Approval and Promulgation of Implementation Plan: Deletion of Reporting Requirement

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is amending § 52.2297—Employer Mass Transit and Carpool Incentive Program to delete the annual reporting requirements. The content and format of the reports as presently specified do not provide information which is sufficiently useful to justify the time and expense of their preparation. This action eliminated the requirement for annual reports but retains the requirement for initial reports.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan Brown, Air Compliance Branch, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2755.

SUPPLEMENTARY INFORMATION: On July 21, 1977 (42 FR 37376), the Administrator promulgated regulations under the Clean Air Act as an addition to the state implementation plan for Texas. The regulations required reductions in emission of hydrocarbons as an aid in attaining the health-related ambient air quality standard for photochemical oxidants (ozone). One of the regulations, 40 CFR 52.2297, was called the Employer Mass Transit and Carpool Incentive Program. This regulation required certain employers and educational institutions in 23 Texas counties to establish programs to encourage and increase the use of mass transit and carpools by employees and students. The employers and educational institutions were required to submit an initial report, followed by annual reports each June 30, describing the program and its effectiveness.

It has now been determined that the annual reports place a burden on employers and educational institutions which outweighs the value of the information presently required in the annual reports. The requirement for annual reports is now being removed, although the requirement for initial reports is retained. The agency is studying alternative formats which would provide more meaningful and consistent data. The annual reports which would be due on June 30, 1979, need not be submitted.

For good cause, the Administrator finds that notice of proposed rulemaking and public comment are unnecessary before this amendment is made effective. It removes a requirement presently existing. Because of the limited value of the reports as presently required, no useful data will be lost by not obtaining such reports.

For good cause, the Administrator finds that this amendment should be made effective immediately. Because of the nearness of this publication to the date for submission of the annual reports, any delay could result in the failure to remove the legal requirement before the date on which the reports must be submitted.

This action is taken under the authority of the Clean Air Act, sections 110 and 301, 42 U.S.C. 7410 and 7601.

Dated: June 12, 1979.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

§ 52.2297 [Amended]

1. In § 52.2297, paragraph (e) is revoked and reserved.

[FR Doc. 79-19024 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1243-4]

Air Programs; Louisiana Variance; Kaiser Aluminum & Chemical Corp. (Norco)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves a variance to Louisiana Regulation 19.5 for Kaiser Aluminum & Chemical Corporation in Norco, Louisiana. Compliance under the variance is scheduled for December 31, 1980. The variance will allow Kaiser to complete emission controls for its petroleum coke calcining facilities. The continuation of particulate matter emissions at current rates are not expected to cause or contribute to a violation of ambient air quality standards.

DATES: This rulemaking is effective on July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Environmental Protection Agency, Region 6, Air Program Branch, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: A proposed variance to Louisiana Regulation 19.5 for Kaiser Aluminum & Chemical Corp. (Norco) was submitted to EPA by the Governor of Louisiana on August 31, 1978. Under the variance, Kaiser is required to achieve compliance by December 31, 1980. A schedule of compliance, which includes increments of progress, is contained in the Commission Order of the Louisiana Air Control Commission.

EPA review of the proposed variance indicated that a continuation of particulate emissions at current rates would not cause or contribute to a violation of air quality standards. As a result EPA proposed approval of the variance on march 12, 1979 (44 FR 13545), and invited public comment on the proposed action. No comments were received.

Current Action

The variance to Louisiana Regulation 19.5 for Kaiser Aluminum & Chemical Corp. (Norco) is being approved as proposed.

This notice of final rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: June 12, 1979

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding a new paragraph (13) as follows:

§ 52.970 Identification of plan.

* * * * *

(c)* * *

(13) A variance to Regulation 19.5 for Kaiser Aluminum & Chemical Corporation at Norco, Louisiana was submitted by the Governor on August 31, 1978.

2. In Subpart T, § 52.980 is amended by adding a new paragraph (b) as follows:

§ 52.980 Compliances schedules.

* * * * *

(b) The compliance schedule below for Kaiser Aluminum & Chemical Corporation is approved as a revision to the plan pursuant to §§ 51.6 and 51.15 of this chapter. The regulation cited is an approved regulation of the State.

Source	Location	Regulation involved	Final compliance date
Kaiser Aluminum & Chemical Corp. (coke calciner)	Norco	19.5	Dec. 31, 1980.

[FR Doc. 79-18977 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 65

[FRL 1241-1]

Delayed Compliance Order for Collins & Aikman Corp., Located in Albemarle, N.C.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compliance Order to Collins and Aikman Corporation. This innovative technology order issued pursuant to Section 113(d)(4) of the Clean Air Act requires the company to bring air emissions from its two coal fired boilers at Albemarle, North Carolina, into compliance with North Carolina air pollution control regulations contained in the federally approved North Carolina State Implementation Plan (SIP). Collins and Aikman Corporation's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on June 18, 1979.

FOR FURTHER INFORMATION CONTACT: Floyd Ledbetter, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308, Telephone Number: (404) 881-4298.

ADDRESSES: The Federal Delayed Compliance Order, supporting material, and any comments received in response to a prior Federal Register notice proposing issuance of the Order are available for public inspection and copying during normal business hours at: U.S. Environmental Protection Agency, Region IV, Air Enforcement Branch, 345 Courtland Street, NE., Atlanta, Georgia 30308.

SUPPLEMENTARY INFORMATION: On February 9, 1979, the Regional Administrator of EPA's Region IV Office published in the Federal Register, Vol. 44, No. 29, p. 8315, a notice setting out the provisions of a proposed "innovative technology" federal delayed compliance order for Collins and Aikman Corporation. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments or requests

for a public hearing were received in response to the proposal notice.

Therefore, a federal delayed compliance order effective this date is issued to the Collins and Aikman Corporation by the Administrator of EPA pursuant to the authority of Section 113 (d)(1) and (d)(4) of the Clean Air Act, 42 U.S.C. 7413(d) (1) and (4). The Order places Collins and Aikman Corporation on a schedule to bring its two coal fired boilers in Albemarle, North Carolina, into compliance as expeditiously as practicable with the North Carolina Administrative Code Title 15, Chapter 2D, a part of the federally approved North Carolina State Implementation Plan. The Order also imposes interim requirements which meets Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit the Collins and Aikman Corporation to delay compliance with the SIP regulations covered by the Order until June 1, 1980. A source receiving an innovative technology delayed compliance order pursuant to Section 113(d)(4) of the Act has five years from the state implementation plan deadline to comply with the regulation in question. The Collins and Aikman Corporation is unable to comply immediately with these regulations.

EPA has determined that the Order shall be effective upon publication of this notice because of the immediate need to place Collins and Aikman Corporation on a schedule for compliance with the applicable requirement(s) in the North Carolina State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: June 12, 1979.

Douglas M. Costle,

Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

§ 65.380 [Amended]

1. By adding the following entry to the table in § 65.380 Federal delayed compliance orders issued under Section 113(D) (1), (3), and (4) of the Act.

* * * * *

Source	Location	Order No.	Date of FR proposal	SIP regulation(s) involved	Final compliance date
*	*	*	*	*	*
Collins and Aikman Corp	Albemarle, North Carolina.	DCO-78-33	Feb. 9, 1979	15 NCAC, 2D.0503, .0504, .0521.	June 1, 1980
*	*	*	*	*	*

[FR Doc. 79-18976 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 65

[FRL 1247-4]

Delayed Compliance Order for General Housewares Corp., Wagner Manufacturing Division

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to General Housewares Corp., Wagner Manufacturing Division (Wagner). The Order requires the Company to bring air emissions from its grey iron at Sidney, Ohio into compliance with certain regulations contained in the federally approved State Implication Plan (SIP). Wagner's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect June 18, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On May 1, 1979 the Regional Administrator of U.S. EPA's Region V Office published in the Federal Register (44 FR 25473) a notice setting out the provisions of a proposed State Delayed Compliance Order for Wagner. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Wagner by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Wagner on a schedule to bring its grey iron cupolas at Sidney, Ohio into compliance as expeditiously as practicable with Regulations OAC 3745-17-07 and OAC 3745-17-11, a part of the federally approved Ohio State Implementation Plan. Wagner is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Wagner to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by Wagner will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Wagner is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective June 18, 1979 because of the need to immediately place Wagner on a schedule for compliance with the Ohio State Implementation Plan.

42 U.S.C. 7413(d), 7601)

Dated: June 13, 1979.

Douglas M. Costle,

Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.401:

§ 65.401 U.S. EPA approval of State delayed compliance orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order No.	Date of FR Proposal	SIP regulation involved	Final compliance date
*	*	*	*	*	*
General Housewares Corp., Wagner Manufacturing Division.	Sidney, Ohio	None	5-1-79	OAC 3745-17-07, OAC 3745-17-11.	7-1-79
*	*	*	*	*	*

[FR Doc. 79-16978 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 180

[PP 6F1830/R207; FRL 1252-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorpyrifos

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide chlorpyrifos on sorghum grain at 0.75 part per million (ppm) sorghum fodder at 6 ppm, and sorghum forage at 1.5 ppm. The regulation was requested by Dow Chemical Co. This rule establishes maximum permissible levels for residues of chlorpyrifos on sorghum grain, fodder, and forage.

EFFECTIVE DATE: Effective June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/426-9425).

SUPPLEMENTARY INFORMATION: On September 1, 1976, notice was given (41 FR 36834) that Dow Chemical Co., PO Box 1706, Midland, MI 48640, had filed a pesticide petition (PP 6F1830) with the EPA. This petition proposed that 40 CFR 180.342 be amended to establish tolerances for combined residues of the insecticide chlorpyrifos (*O,O-diethyl O-*(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6,-trichloro-2-pyridinol in or on the raw agricultural commodities sorghum grain at 0.75 ppm, and sorghum fodder and forage at 1.5 ppm.

Subsequently, the petitioner amended the petition by increasing the proposed tolerance on sorghum fodder from 1.5 ppm to 6 ppm. Since sorghum fodder is not a human food item, the higher tolerance will not result in a potential increase in exposure of humans to chlorpyrifos residues. Thus, the tolerances are not being proposed at this time to provide an opportunity for public comment. No comments were received in response to this notice of filing. (A related document concerning the establishment of a feed additive tolerance for residues of chlorpyrifos on sorghum grain milling fractions appears elsewhere in today's Federal Register).

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerances included a two-year rat feeding/oncogenicity study and a dog feeding study with a no-observed-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight. Studies on delayed neurotoxicity and reproduction showed negative potentials. Based on the two-year chronic rat feeding study with the 0.1 mg/kg bw NOEL on cholinesterase activity and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.01 mg/kg bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from the proposed tolerances and tolerances which have previously been established for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 1.5 ppm does not exceed the ADI. A food additive regulation (21 CFR 193.85) has previously been established for chlorpyrifos in food-handling establishments. Feed additive tolerances have also been established (21 CFR 561.98) for residues of chlorpyrifos in dried sugar beet pulp at 1 ppm and sugar beet molasses at 3 ppm.

Desirable data that are lacking from the petition are a lifetime oncogenicity study and a teratology study. In a letter of February 17, 1978, and January 31, 1979, the petitioner indicated that the lifetime oncogenicity study is expected to be completed in May, 1979 and the teratology study is expected to be completed in late 1979. The petitioner also agreed to voluntarily delete the use of chlorpyrifos on sorghum from the label should the lifetime oncogenicity and teratology studies be found to exceed the risk criteria for chronic toxicity in 40 CFR 162.11. Although the oncogenicity evaluation of chlorpyrifos is not complete, it is concluded that based on the available data, the risks are acceptable since the absence of an oncogenic potential is shown in the two-year rat feeding/oncogenicity study.

The metabolism of chlorpyrifos is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No actions are currently pending against continued registration of chlorpyrifos nor are there any other relevant considerations involved in establishing the proposed tolerances. The established tolerances for residues of chlorpyrifos in milk, meat, poultry, and eggs are adequate to cover the proposed uses.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances of 0.75 ppm on sorghum grain, 6 ppm on sorghum fodder, and 1.5 ppm on sorghum forage established by amending 40 CFR 180.342 will protect the public health. It is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before July 19, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is

"significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective June 19, 1979, Part 180 is amended as set forth below.

Dated: June 12, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))

Part 180, Subpart C, section 180.342, is amended by alphabetically inserting sorghum grain at 0.75 ppm, sorghum fodder at 6 ppm, and sorghum forage at 1.5 ppm in the table to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
* * * * *	
Sorghum, fodder	6
Sorghum, forage	1.5
Sorghum, grain	0.75
* * * * *	

[FR Doc. 79-19068 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 600

[FRL 1076-6]

Fuel Economy of Motor Vehicles; Technical Amendment

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This amendment provides EPA additional latitude in judging the levels of correlation between fuel economy data generated at the EPA laboratory in Ann Arbor, Michigan, and at industry laboratories. Currently this judgment must be based on data developed under a specific section of Part 600. The regulations have been amended to allow for use of data from Part 86, Part 600, or from correlation testing.

DATES: These amendments are effective June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Gregory J. Dana, Regulatory Management Staff (ANR-455), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, phone: 202-755-0596.

SUPPLEMENTARY INFORMATION: Under the present regulations, only data from Part 600 is allowed to be used to determine the level of offset between manufacturers' and the EPA laboratory. If insufficient data are available under Part 600, additional testing must be performed, even though applicable data exist from testing done under Part 86 or correlation programs. This action places no additional burden on the industry as it simply allows the use of all existing data to determine the level of offset. Therefore, issuance of a proposal and opportunity for public comment is unnecessary. For these reasons, EPA finds good cause to publish this technical amendment as final and to have it take effect immediately in accordance with 5 U.S.C. 553(b).

Note.—The Environmental Protection Agency has determined that this document is not a "significant" regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

Dated: June 12, 1979.

Douglas M. Costle,

Administrator.

Part 600 of Chapter I, Title 40 of the Code of Federal Regulations is hereby amended as follows:

1. By amending paragraph (g) of § 600.008 to read as follows:

§ 600.008 [Amended]

* * * * *

(g) If, based on a review of the fuel economy data generated under Part 86, Part 600, or by correlation testing, the Administrator determines that an unacceptable level of offset exists between fuel economy data generated by a manufacturer and fuel economy data generated by the Administrator, he may reject all fuel economy data submitted by the manufacturer until the cause of the discrepancy is determined and validity of the data is established by the manufacturer.

* * * * *

(Secs. 501, 503, 505, 506, Motor Vehicle Information and Cost Savings Act as amended by Title III of the Energy Policy and Conservation Act (15 U.S.C. 2001, 2003, 2005, and 2006))

[FR Doc. 79-19018 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1381]

Indiana Interstate Railway Co., Inc. Authorized to Operate Over Tracks Leased From the Penn Central Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Service Order No. 1381.

SUMMARY: Indiana Interstate Railway Company, Inc., is authorized to operate over former tracks of Penn Central between Goshen, Indiana, and Shipshewana, Indiana.

DATES: Effective 11:59 p.m., June 15, 1979, until further order of this Commission. Expires when modified or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

Decided: June 12, 1979.

Railroad service on the former Shipshewana Branch of the former Penn Central Transportation Company, identified in the Final System Plan of the Reorganization of the Northeastern Railroads as USRA Line No. 399, between Goshen, Indiana, and Shipshewana, Indiana, has been discontined for several years. The State of Indiana has leased this line from The Penn Central Corporation and has designated Indiana Interstate Railway Company, Inc. (II) to operate this line.

An application seeking authority to operate as the designated operator of this line will be filed by II. There is an interchange connection between this line and Consolidated Rail Corporation at Goshen, Indiana. If service over this line is not restored, numerous shippers on this line will not have needed rail service.

It is the opinion of the Commission that an emergency exists requiring the immediate resumption of operations over this line in the interest of the public; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, § 1033.1381 *Indiana Interstate Railway Company, Inc. authorized to operate over tracks leased from the Penn Central Corporation.*

(a) The Indiana Interstate Railway Company, Inc. (II) is authorized to operate over tracks of USRA Line No. 399, formerly known as the Shipshewana Branch of the Penn

Central Transportation Company (PC) between former PC milepost 0.7 at Goshen, Indiana, and former PC milepost 16.7 at Shipshewana, Indiana, a distance of approximately 16.0 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgement of the application of the Indiana Interstate Railway Company, Inc. seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 11:59 p.m., June 15, 1979.

(e) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. Homme, Jr.,

Secretary.

FR Doc. 79-19081 Filed 6-18-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1125

(Ex Parte No. 293, Sub. No. 2)

Standards for Determining Rail Services Continuation Subsidies; Decision

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Amendments to the Standards.

SUMMARY: On March 16, 1979, the Rail Services Planning Office (RSPO) published proposed amendments regarding calculation of the off-branch costs for Class II railroads under section 1125.7(n)(4). The method proposed in that notice will be adopted and the necessary amendments made to the regulations to effect the revisions. It is RSPO's position that the method adopted will develop costs that more accurately reflect those incurred by Class II and III railroads handling traffic to and from branch lines that are operated under a subsidy agreement. A further benefit of the procedure adopted is that it is applicable for Class III railroads as well as Class II railroads. In the March 16 notice, there was a companion issue related to the effect of inflation on costs, which will be handled in a separate notice.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT: James Wells, Chief, Cost and Subsidies Branch, Section of Rail Services Planning, 202–275–7283.

SUPPLEMENTARY INFORMATION: On March 16, 1979 the RSPO published a notice of proposed rulemaking that covered the issues of (1) revised off-branch costs for Class II railroads and (2) the effects of inflation on costs between the conclusion of the calendar and subsidy year. The second issue requires further comment on the proposed method and, therefore, will be handled in a separate notice.

No comments of substance were received on the method proposed for calculating the off-branch costs of Class II railroads. As a result, RSPO is adopting the procedure in the March 16 notice and is amending the regulations to implement this change. As RSPO stated in the supplementary information of the March 16 notice, the new procedure recognizes the operational elements of terminal handlings, line-haul service, and the interchange function. This is a great improvement over the single-element basis of the prior procedure. A further benefit is that the adopted procedure can be applied to the newly-designated Class III category of railroads in addition to those designated Class II.

Part 1125, Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations is amended by making the change set forth below to the regulations issued on January 11, 1978. The amendments are retroactive to January 1, 1979.

This decision does not significantly affect the quality of the human environment.

Issued June 20, 1979 by Alexander L. Morton, Director, Rail Services Planning Office.

By the Commission.

H. G. Homme, Jr.,

Secretary.

1. Section 1125.7(n)(4) is revised to read as follows:

§ 1125.7 Calculation of avoidable costs and management fee.

* * * * *

(n) * * *

(4) Class II and Class III line-haul railroads shall calculate off-branch costs as follows (based on: the carrier's latest Form R–2 or R–3 filed with the ICC; the ICC's latest *Rail Carload Cost Scales;* and the carrier's own records):

(i) A carrier that has only freight operations shall calculate the estimated system variable expenses by multiplying the total operating expenses by .78, the three-year composite variability ratio for all Class I railroads. If a carrier has passenger and freight service, the freight portion of the total estimated system variable expenses shall be calculated by multiplying the total estimated system variable expenses, calculated as above, by the ratio of freight related operating expenses to total railway operating expenses [freight related operating expenses divided by total railway operating expenses].

(ii) The total number of revenue carload terminal handlings shall be determined from company records [originating and terminating (local) revenue carloads multiplied by 2, plus originating or terminating and interchange (interline) revenue carloads].

(iii) The total number of revenue carload interchange handlings shall be determined from company records [bridge (interchange to interchange) revenue carloads multiplied by 2, plus revenue carloads that are originated or terminated and interchanged (interline)].

(iv) The average load per car shall be determined from company records [ton-miles-revenue freight, divided by loaded freight car-miles].

(v) The ratios employed to separate the estimated system variable expenses between interchange, terminal and line-haul operations are calculated as follows:

(A) Theoretical interchange expenses are calculated by multiplying the number of revenue carload interchange handlings, paragraph (n)(4)(iii) of this section, by the interchange variable cost per carload for other than box, unequipped, refrigerator, tank and TOFC cars (ICC *Rail Carload Cost Scales,* Table 12, Line 6 or 14, appropriate region, multiplied by 100).

(B) Theoretical terminal carload expenses are calculated by multiplying the number of revenue carload terminal handlings, paragraph (n)(4)(ii) of this section, by the average train variable terminal cost per carload for box-general service, equipped (one half of the terminal cost per carload ICC *Rail Carload Scales,* Table 3, appropriate region, line 2, col. (6)).

(C) Theoretical terminal lading expenses are calculated by multiplying the total terminal tons-[terminal carload handlings, paragraph (n)(4)(ii) of this section, multiplied by average load per car, paragraph (n)(4)(iv) of this section] by the average train variable terminal cost per ton for box-general service, equipped [one half of the terminal cwt. cost, ICC *Rail Carload Cost Scales,* Table 3, appropriate region, line 2 col. (7), multiplied by 20].

(D) Theoretical line-haul car expenses are calculated by multiplying the carrier's loaded car-miles by the average train variable cost per car-mile excluding interchange, for box-general service, equipped [ICC *Rail Carload Cost Scales,* Table 3, appropriate region, Line 2, col. (4) minus Appendix B, appropriate region, Line 2, col. (4)].

(E) Theoretical line-haul lading expenses are calculated by multiplying the carrier's total ton-miles of revenue freight by the average train variable ton-mile cost for a box-general service, equipped [wt-mile cost ICC *Rail Carload Cost Scales,* Table 3, appropriate region, Line 2, col. (5), multiplied by 20].

(F) Theoretical station clerical expenses are calculated by multiplying total revenue carload terminal handlings, paragraph (n)(4)(ii) of this section, by the variable station clerical cost per carload [one half of the station clerical cost per carload, ICC *Rail Carload Cost Scales,* Table 18, appropriate region, Line (2) multiplied by 100].

(G) Total theoretical system variable expenses are calculated by adding paragraph (n)(4)(v)(A) plus (n)(4)(v)(B) plus (n)(4)(v)(C) plus (n)(4)(v)(D) plus (n)(4)(v)(E) of this section.

(H) The ratio for interchange variable expenses is calculated by dividing total theoretical interchange variable expenses, paragraph (n)(4)(v)(A) of this section, by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) of this section.

(I) The ratio for terminal variable expenses is calculated by dividing the total theoretical terminal variable expenses, paragraph (n)(4)(v)(B) plus (n)(4)(v)(C) of this section, by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) of this section.

(J) The ratio for line-haul variable expenses is calculated by dividing total theoretical line-haul variable expenses, paragraph (n)(4)(v)(D) plus (n)(4)(v)(E) of this section, divided by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) of this section.

(K) The ratio for station clerical variable expenses is calculated by dividing total theoretical station clerical variable expenses, paragraph (n)(4)(v)(F) above, by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) above.

(vi) The carrier's total system variable expenses are separated as follows:

(A) Total interchange variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) of this section, by the interchange variable expense ratio, paragraph (n)(4)(v)(H) of this section.

(B) Total terminal variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) of this section, by the terminal variable expense ratio, paragraph (n)(4)(v)(i) of this section.

(C) Total line-haul variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) of this section, by the line-haul variable expense ratio, paragraph (n)(4)(v)(J) of this section.

(d) Total station clerical variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) of this section by the station clerical expense ratio, paragraph (n)(4)(v)(K) of this section.

(vii) The carrier's unit costs shall be determined as follows:

(A) The interchange cost per carload shall be calculated by dividing the total interchange variable expense, paragraph (n)(4)(vi)(A) above by the total number of interchange handlings, paragraph (n)(4)(iii) of this section.

(B) The terminal cost per carload shall be calculated the total terminal variable expenses, paragraph (n)(4)(vi)(B) above, by the total number of terminal handlings, paragraph (n)(4)(ii) of this section.

(C) The line-haul cost per car-mile shall be calculated by dividing the total line-haul variable expenses, paragraph (n)(4)(vi)(C) of this section, by the total number of loaded car-miles

(D) The modified terminal cost per carload shall be calculated by adding the interchange cost per carload, paragraph (n)(4)(vii)(A) of this section, to the station clerical cost per carload total station clerical variable expense, paragraph (n)(4)(vi)(D) of this section, divided by the total number of terminal handlings, paragraph (n)(4)(ii) of this section].

(viii) The interchange costs shall be calculated by multiplying the interchange cost per carload, paragraph (n)(4)(vii)(A) above, by the number of carloads of traffic interchanged with other railroads.

(ix) The terminal costs shall be calculated by multiplying the modified terminal cost per carload, paragraph (n)(4)(vii)(D) of this section, times the number of carloads which originated or terminated on the branch during the subsidy year. To this amount add the normal terminal cost per carload, paragraph (n)(4)(vii)(B) of this section, times the number of carloads which originated or terminated on the branch that are local to the railroad serving the branch.

(x) The line-haul costs shall be calculated by mulitplying the line-haul cost per car-mile, paragraph (n)(4)(vii)(C) of this section, by the loaded car-miles generated off the branch by cars originated or terminated on the branch during the subsidy year.

[FR Doc. 79-19000 Filed 6-18-79; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 44, No. 119
Tuesday, June 19, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 353]

Restoration To Duty

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: OPM proposes to amend § 353.306 of its regulations governing the restoration to duty of compensably injured employees who have partially recovered, to delete the 1-year limitation during which agencies are required to make every effort to restore these individuals. This will mean that agencies will be required to consider partially recovered employees or former employees without time limit, just as they are now required to similarly consider those who fully recover from a job related injury. This proposal is in furtherance of the President's budget message to Congress on the restoration to duty of injured employees and the intent of Congress in its enactment of the Rehabilitation Act of 1973, and the Injury Compensation Amendments of 1974.

DATES: Written comments are invited and will be considered if received no later than August 20, 1979.

ADDRESS: Send written comments to Raleigh M. Neville, Office of Staffing Policies, Staffing Services, Rm 6526, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Raleigh M. Neville (202) 632-6817

Accordingly, § 353.306 of Part 353, title 5, Code of Federal Regulations, is amended to read as follows:

§ 353.306 Partially recovered injured employees.

Agencies must make every effort to restore according to the circumstances in each case, an employee or former employee who has partially recovered from a compensable injury and who is able to return to limited duty.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-18967 Filed 6-18-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

Termination of Marketing Quotas on Cigar-Binder (Types 51 and 52) Tobacco for the 1979-80 Marketing Year

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is investigating whether the operation of marketing quotas for cigar-binder tobacco will cause this kind of tobacco to be in short supply for the 1979-80 marketing year. Interested persons are invited to submit written comments, views and recommendations concerning the possible suspension of marketing quotas for cigar-binder (types 51 & 52) tobacco for the 1979-80 marketing year. Also, requests for a hearing will be granted if timely submitted.

DATES: Written comments and requests for a hearing must be received by July 19, 1979 in order to be sure of consideration.

ADDRESSES: Send comments and hearing requests to the Acting Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, (202) 447-7601.

SUPPLEMENTARY INFORMATION: Pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, (referred to hereinafter as the "Act"), a national marketing quota of 8.1 million pounds was announced for the 1979-80 marketing year for cigar-binder (types 51 & 52) tobacco (44 FR 7108). However, as noted in the quota determination, production of only 2.1 million pounds during the 1979-80 marketing year is needed to make the supply of this kind of tobacco equal to its reserve supply level. Because only 31 percent of the announced marketing quota over the past four years has been produced, a national marketing quota of 6.75 million pounds is needed to make available production of 2.1 million pounds and such quota was announced. This quota was later increased by 20 percent to 8.1 million pounds by the Secretary's authority under Section 312(b) of the Act.

Because quotas were terminated during recent years, a portion of this tobacco was produced by people who did not have a cigar binder tobacco allotment (the poundage quota is converted to an acreage allotment) and by producers who have allotments but produced in excess of their allotment. Consequently, desired levels of production may not be attainable with marketing quotas in force.

Accordingly, pursuant to and in accordance with section 371(a) of the Act, as amended, an investigation is being made to determine whether the operation of farm marketing quotas in effect on cigar-binder (types 51 & 52) tobacco for the 1979-80 marketing year will cause the amount of such kind of tobacco which will be free of marketing restrictions to be less than the normal supply for such kind of tobacco for such marketing year.

If upon the basis of such investigation the Secretary finds the existance of such fact, he will proclaim the same and specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such kind of tobacco which will be free of marketing restrictions for the 1979-80 marketing year equal to the normal supply.

Marketing quotas were proclaimed for cigar-binder (types 51 & 52) tobacco for the 1978-79, 1979-80 and 1980-81 marketing years (43 FR 4966). Farmers approved marketing quotas for such 3 marketing years (43 FR 16310).

Under present legislation the termination of maketing quotas for any marketing year would be limited in application and effect to that year only.

Under Sections 101 and 106 of the Agricultural Act of 1949, as amended, price support will be made available on the 1979 crop of cigar-binder (types 51 & 52) tobacco even if marketing quotas are terminated because producers did not

disapprove marketing quotas for such tobacco.

Data shows that total disappearance (domestic use plus exports) of cigar-binder (types 51 & 52) tobacco has decreased from 26 million pounds during the 1955–56 marketing year, prior to the advent of reconstituted binder sheet, to 1.9 million pounds during the 1977–78 marketing year. Disappearance is expected to increase to 2.4 million pounds during the 1978–79 marketing year. This has necessitated drastic adjustments in production. Producers used the Soil Bank and the Cropland Adjustment Programs extensively in making these adjustments. In addition, the allotted acreage has been reduced from 16,643 acres in the 1955–56 marketing year to about 4,824 acres in 1979.

Total disappearance (domestic use plus exports) has exceeded production in 18 of the 23 years from 1955 to 1977. This has caused stocks of this kind of tobacco to decline from 62.2 million pounds on October 1, 1955, to 4.9 million pounds at the beginning of the current marketing year (October 1, 1978).

With production during the 1978–79 year estimated at 2.6 million pounds, the total supply of cigar-binder tobacco is 7.5 million pounds. Subtracting estimated disappearance during the 1978–79 year of 2.4 million pounds, carryover for the beginning of 1979–80 marketing year could equal 5.1 million pounds, 1.7 million below the normal supply determined and announced February 1, 1979.

Quotas for cigar-binder tobacco have been annually terminated since the 1970 marketing year began.

Section 371(a) of the Act provides that in the course of the investigation conducted by the Secretary, due notice and opportunity for hearing shall be given to interested persons.

Proposed Rule

It is proposed that an investigation be conducted to determine whether the operation of marketing quotas for cigar-binder tobacco will cause this kind of tobacco to be in short supply for the 1979–80 marketing year. It is proposed further that interested persons be invited to submit written comments, views and recommendations or request a hearing concerning the possible suspension of marketing quotas for cigar-binder (types 51 & 52) tobacco for the 1979–80 marketing year.

Prior to making any determination, the Department will consider comments, views and recommendations submitted in writing to the Acting Director, Price Support and Loan Division.

Executive Order 12044 (43 FR 12661, Mar. 24, 1978) requires at least a 60 day public comment period on any proposed significant regulations except where the Agency determines this is not possible. Because cigar binder producers need to know as soon as possible the status of quotas for the 1979–80 marketing year, it is hereby found and determined that compliance with the 60-day comment period required by Executive Order 12044 is impossible. Accordingly, comments must be received by July 19, 1979 in order to be assured of consideration.

Note.—A draft impact analysis is available from Jerome F. Sitter, Director, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

Note.—This regulation has been determined not significant under the USDA criteria implementing Executive Order 12044.

Signed at Washington, D.C. on June 12, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-18963 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

[7 CFR Part 246]

Special Supplemental Food Program for Women, Infants, and Children (WIC)

AGENCY: Food and Nutrition Service.

ACTION: Proposed Program (Food) Funding Formula for the Special Supplemental Food Program for Women, Infants and Children (7 CFR 246).

SUMMARY: The Food and Nutrition Service is reissuing for public comment the formula for distribution program (food) funds to State agencies participating in the Special Supplemental Food Program for Women, Infants and Children.

DATE: June 19, 1979; comments by August 3, 1979.

ADDRESS: Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Jennifer R. Nelson, Director, (202) 447–8206.

SUPPLEMENTARY INFORMATION: The Secretary of Agriculture issued notices in proposed (October 11, 1978) and final (January 2, 1979) form which described the components and the operation of the formula used to allocate program (food) funds to participating State agencies. Subsequent to issuance of the final notice, it was brought to the Department's attention that the description of the mathematical process used to run the formula was not totally accurate. The Department then issued a clarification notice at 44 FR 18253 (March 27, 1979) which more clearly explained the process followed in the allocation of funds.

As the Department received only 24 comments on the October 11 proposed notice, a number of questions were not addressed in these comments which significantly impact on participating agencies. For this reason, and to assure that all interested persons understand and have an additional opportunity to comment on the complete formula process, the Department is reissuing the formula description with a full discussion of all the components and of the operation of the formula. Although the Department wishes to receive comments on all aspects of the formula, comments are specifically requested on the method used to determine the number of children under five below 200 percent of poverty, the 50 percent cap component, and the alternative formula procedures.

I. Description of the Funding Formula Components

In choosing components for the formula which were need indicators, the Department had to find data elements which were readily available or could be determined for all State agencies and which, when compared to each other, would indicate the need for the Program in each State agency. A survey of available and determinable data was made prior to the September 6–8, 1978, Funding Panel meeting (additional information about the Funding Panel is available in the October 11, 1978 Federal Register notice) to determine which data met the criteria of need indicator and availability. These data were then made available to the Panel for discussion.

Based on review of the data available and the Panel's recommendations, the Department chose to use the number of children under five below 200 percent poverty in each State and the infant mortality rate in each State. The figure for the number of children under five below 200 percent poverty in each State serves as a poverty and population factor and is compared among State agencies to indicate the relationships among States based on the number of potential participants. Since this data element is based on population, using it alone would result in a distribution of funds based on the size of the State

agency. It was necessary to introduce another data element to indicate the respective nutritional need of potential participants among State agencies. Infant mortality rate was chosen to fulfill this requirement. Infant mortality rate is based on the number of infant deaths per 1,000 live births and it has no inherent population bias. As a result, it is a good indicator of the severity of nutritional need among the target population of a State agency.

A (1) *Children Under Five Below 200 Percent Poverty*—The U.S. Bureau of Census Survey of Income Education (SIE), 1975, was used as the source for determining the number of children under five below 200 percent of poverty in the 50 States. Since similar data was not available for Puerto Rico, the Virgin Island and the Indian State agencies, alternative methods, described below, were used to determine the figures for these State agencies.

The SIE data is separated into several categories. For each specified poverty level of below 75 percent, below 125 percent, below 150 percent, below 175 percent and below 200 percent, data is provided on the number of children in each of the following categories: under 18, 5 to 17 years, less than 3 years, 3 to 5 years, 6 to 13 years, 14 and 15 years, and 16 and 17 years. In order to determine the number of children 0 through 4, the Department decreased the 3 to 5 years figure by one-third (multiply by .66667) to delete the 5 year olds and added the resulting figure to the less than 3 years number. For example, the number for Connecticut is figured as follows:

Less than 3 years = 39,930

3 to 5 years = 44,960

44,960 × .66667 = 29,973.48

39,930 + 29,973 = [1] 69,903

[1] Children 0 through 4

This method may tend to slightly overstate the total number of children nationwide in the 0–4 category, since it assumes that the birth rate remained the same over the five year period considered. The results of this procedure are shown in column 1 below.

An alternate method for determining the number of children 0–4 in each State is possible. The number of children 5 to 17 years can be subtracted from the number of children under 18. If this method is used, the number for Connecticut would be obtained as follows:

Under 18	270,050
5 to 17 years	−200,490
Children 0 through 4	69,560

For Connecticut, the alternate method arrives at a lower number of children under five below 200 percent of poverty than the procedure used by the Department. The comparison chart below shows that the results of the two methods vary among States; some States are considered to have less children according to the Department's method while others have more children. There is, however, very little difference in the total number nationwide.

Children Under 5 Below 200 Percent Poverty

	USDA procedure No.1	Alternate procedure No. 2
New England:		
Connecticut	69,903	69,560
Maine	41,223	38,940
Massachusetts	165,590	159,670
New Hampshire	24,077	23,670
Rhode Island	24,423	23,500
Vermont	19,273	18,690
Mid-Atlantic:		
Delaware	15,840	15,470
Maryland	102,257	102,170
New Jersey	201,240	197,500
New York	464,057	451,862
Pennsylvania	360,837	355,770
Virginia	129,580	127,230
West Virginia	72,780	67,810
Southeast:		
Alabama	147,137	155,360
Florida	287,093	281,948
Georgia	215,207	208,460
Kentucky	130,077	132,080
Mississippi	121,057	120,277
North Carolina	198,993	196,979
South Carolina	120,027	121,120
Tennessee	172,880	162,520
Southwest:		
Arkansas	104,420	101,660
Louisiana	163,280	165,590
New Mexico	60,183	59,115
Oklahoma	106,430	79,376
Texas	578,220	585,150
Midwest:		
Illinois	331,087	321,950
Indiana	173,510	170,880
Michigan	269,927	271,550
Minnesota	116,520	115,960
Ohio	373,637	362,910
Wisconsin	119,760	114,990
Mountain Plains:		
Colorado	77,273	78,877
Iowa	76,817	75,650
Kansas	64,980	63,830
Missouri	143,627	134,220
Montana	25,760	26,190
Nebraska	47,400	45,579
North Dakota	20,700	20,161
South Dakota	27,017	25,070
Utah	67,307	69,020
Western:		
Alaska	10,043	10,220
Arizona	102,850	100,950
California	640,697	637,560
Hawaii	27,143	28,290
Idaho	37,083	37,100
Nevada	21,870	20,430
Oregon	69,487	69,380
Washington	108,237	106,170
National total	7,048,816	6,928,414

Data for Indian agencies, Puerto Rico and the Virgin Islands were not as easily determined. A variety of sources was used for the Indian State agencies including the Indian Health Service, the Bureau of Indian Affairs, Tribal statistics and the 1970 census. Two basic assumptions had to be made by the Department before the 1970 census data could be used. First, the 1970 census data include five year olds; the Department used the total number, with the five year olds included, because it assumed that the Indian population might have increased from 1970 to 1975.

This assumption was based on a review of birth and mortality data from the National Center for Health Statistics. These data for the years 1970 through 1975 showed that the number of national births (births minus infant deaths) decreased over this period while births for Indians increased. The 1970 census data represents the only published report of American Indian statistics. The data reflect the number of persons within the reservation boundaries and do not include those residing in adjacent areas. Therefore, including the five year olds will help compensate for the persons in adjacent areas not counted in the census. Second, since data for Indians were not distinguished by poverty level, the Department assumed that all Indian children are below 200 percent poverty. These two assumptions may result in inflated numbers of children for the State agencies, but the Department feels that these assumptions are basically correct and that any overstatement would have minor effects.

The above described data were used for all Indian agencies in the first quarter of FY '79. Despite the Department's assumptions that all Indian children are below 200 percent poverty and that 5 year olds could be included, some of these agencies were still found to be above their maximum grant level. The FNS Regional Offices were asked to determine if more current data were available from reliable governmental sources at the regional or tribal level. New data were found which more accurately reflect the number of children in these State agencies' service areas. The presence of new data resulted in some changes in allocation levels for some Indian State agencies for the second quarter. The Department is reviewing all sources to determine the best data available for use in FY '80.

The U.S. Bureau of Census Survey of Income and Education, 1975, was used to obtain a total number of children under five in Puerto Rico. In order to determine the number of these children which fell below 200 percent of poverty, the Department applied the precentage of children in Puerto Rico eligible to receive free and reduced price lunches, which represents those children under 200 percent of poverty. Data on the total number of children under five were not available from the Bureau of Census for the Virgin Islands. Therefore, the Department contacted the National

Center for Health Statistics to obtain the number of live births and infant deaths in the Virgin Islands for the years 1971 through 1976 (no data were available for 1972). The deaths were subtracted from the births and the numbers for these years were summed to arrive at the total number of children under five. The percentage of children eligible to receive free and reduced price lunches in the Virgin Islands was then applied to this number to obtain the number of these children under 200 percent of poverty.

For States with participating Indian State agencies within their boundaries, the numbers used for the Indian agencies were subtracted from the State total to prevent double counting. (This subtraction is not reflected in the above charts, but is reflected in subsequent charts).

The Department specifically requests comments on the procedures used to determine the number of children under five below 200 percent of poverty and recommendations on which of these procedures should be used for the funding formula.

(2) *Infant Mortality Rate*—Infant mortality data used in the formula were obtained from the Monthly Vital Statistics Report for 1976 for most State agencies including Puerto Rico. (Data for the Virgin Islands represents 1975 figures.) This is a National Center for health Statistics publication which reflects the final infant mortality data for 1976. The infant mortality rate is the number of deaths of infants under one year of age per 1,000 live births. The National Center for Health Statistics' final data for 1977 will be available soon and will be used in the formula for the allocation of FY '80 funds.

Infant mortality rates for the Indian State agencies were generated by the Department based on infant deaths and live births data obtained from the Indian Health Service. The equation used to generate these numbers for each Indian State agency is as follows:

$$\frac{\text{Infant Deaths}}{\text{Infant Births}} \times 1{,}000 = \text{Infant Mortality Rate}$$

The national infant mortality rate for 1976 used for the comparison was 15.2. The individual State agency rates used in the formula are listed below.

Infant Mortality Rate	
New England:	
Connecticut	14.2
Maine	11.0
Massachusetts	12.1
New Hampshire	11.5
Rhode Island	14.4
Vermont	12.6
Mid-Atlantic:	
Delaware	12.9
Maryland	17.3
New Jersey	15.0
New York	16.0
Pennsylvania	15.4
Puerto Rico	19.2
Seneca Nat., NY	13.9
Virginia	16.3
Virgin Islands	26.1
West Virginia	16.9
Southeast:	
Alabama	19.7
Florida	15.1
Georgia	15.9
Kentucky	14.7
Mississippi	21.5
North Carolina	17.8
South Carolina	19.6
Tennessee	16.2
Seminoles, FL	71.4
Choctaws, MS	28.0
E. Cherokee, NC	24.2
Southwest:	
Arkansas	15.5
Louisiana	17.8
New Mexico	15.5
Oklahoma	16.7
Texas	16.0
Acoma, NM	5.4
N. Pueblo, NM	19.1
Isleta Pueblo, NM	11.6
Santa Domingo, NM	1.0
Six Sandoval, NM	19.0
WCD Ent., OK	6.7
Choctaws, OK	5.5
Cherokee, OK	9.5
Chickasaw, OK	15.0
Tonkawa, OK	15.7
Potawatami, OK	9.1
Zuni	17.1
Midwest:	
Illinois	16.7
Indiana	14.6
Michigan	15.2
Minnesota	13.9
Ohio	14.9
Wisconsin	12.5
Mountain Plains:	
Colorado	13.0
Iowa	14.3
Kansas	14.1
Missouri	15.3
Montana	16.5
Nebraska	14.2
North Dakota	13.8
South Dakota	17.1
Utah	11.7
Shos & Ara., WY	26.5
Ute Mtn. Tribe, CO	11.5
Winnebago, Neb	1.0
Cheyenne Rv., SD	52.8
Rosebud, SD	23.8
Standing Rock, ND	39.4
Western:	
Alaska	16.2
Arizona	15.4
California	12.4
Hawaii	10.8
Idaho	13.1
Nevada	14.2
Oregon	12.7
Washington	14.5
ITCN	32.7

The comparison of the two need indicators (components), children under five below 200 percent poverty and infant mortality rate, form the basis of the funding formula. The formula is as follows:

$$\frac{\text{(State Children Under 5 Below 200\% Poverty)}}{\text{(Total Children Under 5 Below 200\% Poverty}} \times \frac{\text{(State Infant Mortality Rate)}}{\text{(National Infant Mortality Rate)}}$$

The "Total Children Under 5 Below 200% Poverty" is the sum of all the State numbers of children under 5 below 200% poverty.

Additional provisions of the formula are the hold harmless level, maximum grant level and 50 percent cap.

B(1.) *Hold Harmless*—The "hold harmless" level for each State agency is determined by first totaling all the program (food) funds available to the State agency in the fourth quarter of the previous fiscal year. An additional 10 percent is added to this level to provide for inflation and some growth. The final figure (previous fourth quarter food funds plus 10 percent) is the hold harmless level.

The hold harmless provision of the formula was included to assure that all State agencies receive sufficient funds to maintain their fourth quarter operational level, in turn assuring that no participants would be removed from the Program. Failure to include this provision would in effect destroy the efforts of the State agencies to expand their operation over the past years. The fiscal year 1978 fourth quarter level and that level with a 10 percent increase are shown in the chart below. The fiscal year 1978 fourth quarter level was computed by adding the fiscal year 1978 fourth quarter total grant (less any overexpenditures from previous months), earned unused administrative funds and for those State agencies participating in the Migrant Demonstration Project, one-third of the funds provided to those agencies for the Project. This figure reflects the funds available to be spent in the fourth quarter. The overexpenditures were subtracted from the funding level, since this amount of money was needed to fund expenditures in an earlier quarter and, therefore, was not available to be

spent in the fourth quarter. The earned unused administrative funds equal the difference between 25 percent of food expenditures (earned administrative funds as determined by the fiscal year 1978 funding procedure) and the State agency's administrative expenditures. These unused funds were available to be spent by the State agency in the fourth quarter. Only one-third of the migrant funding was considered, because the migrant grant was designed to cover three quarters of operation so that only one-third of this funding would apply to the fourth quarter. This total was multiplied by 80 percent to determine the amount which could be used for food.

	4th quarter fiscal year 1978 level	4th quarter fiscal year 1978 level plus 10 percent
New England:		
Connecticut	2,092,636	2,301,900
Maine	615,294	676,824
Massachusetts	1,646,525	1,811,178
New Hampshire	277,950	305,745
Rhode Island	418,008	459,809
Vermont	1,102,430	1,212,673
Mid-Atlantic:		
Delaware	212,926	234,219
Maryland	1,931,358	2,124,495
New Jersey	1,977,036	2,174,740
New York	6,455,674	7,101,246
Pennsylvania	3,380,349	3,718,386
Puerto Rico	2,172,633	2,389,897
Seneca Nat., NY	29,514	32,465
Virginia	2,395,852	2,635,438
Virgin Islands	93,600	102,960
West Virginia	1,090,912	1,200,003
Southeast:		
Alabama	2,024,451	2,226,898
Florida	2,465,875	2,712,464
Georgia	3,247,535	3,572,290
Kentucky	2,579,635	2,837,600
Mississippi	2,104,023	2,314,427
North Carolina	4,108,070	4,518,881
South Carolina	2,805,538	3,086,09_
Tennessee	2,489,578	2,738,537
Seminoles, FL	19,534	21,486
Choctaws, MS	65,162	71,679
E. Cherokee, NC	59,521	65,473
Southwest:		
Arkansas	999,163	1,390,745
Louisiana	2,666,146	2,932,761
New Mexico	447,625	492,388
Oklahoma	844,885	929,374
Texas	6,131,022	6,744,126
Acoma, NM	37,468	41,215
N. Pueblo, NM	27,988	30,787
Isleta Pueblo, NM	21,210	23,332
Santa Domingo, NM	20,021	22,023
Six Sandoval, NM	57,546	63,300
WCD Ent., OK	142,997	157,297
Choctaws, OK	85,776	94,354
Cherokee, OK	233,238	256,562
Chickasaw, OK	21,756	23,932
Tonkawa, OK	12,000	39,600
Potawatami, OK	0	0
Zuni, NM	0	0
Midwest:		
Illinois	3,736,974	4,110,673
Indiana	765,455	842,002
Michigan	2,804,096	3,084,507
Minnesota	1,183,198	1,301,517
Ohio	4,818,626	5,300,493
Wisconsin	1,312,877	1,444,165
Mountain Plains:		
Colorado	862,756	949,032
Iowa	994,480	1,093,928
Kansas	587,251	645,976
Missouri	2,300,491	2,530,542
Montana	704,785	775,264
Nebraska	183,174	201,493
North Dakota	378,759	416,635
South Dakota	285,166	313,684
Utah	962,904	1,059,194
Shos & Ara., WY	46,846	51,532
Ute Mtn. Tribe, CO	7,038	7,642
Winnebago, Neb.	26,400	29,040
Cheyenne Rv., SD	52,553	57,808
Rosebud, SD	29,478	72,080
Standing Rock, ND	88,000	96,800
Western:		
Alaska	96,038	105,642
Arizona	2,531,967	2,785,165
California	5,704,458	6,274,905
Hawaii	288,645	317,510
Idaho	558,254	614,080
Nevada	433,957	477,353
Oregon	1,260,275	1,386,302
Washington	1,638,419	1,802,261
ITCN	41,346	45,480

(2.) *Maximum Grant*—Maximum grant levels were determined to assure that no State agency received more money than its potential need would indicate. Potential need is determined by adding the number of children under five below 200 percent of poverty and the number of live births for one year (to indicate pregnant women) and multiplying the total by a monthly food package cost level and then by three. This results in a food funding level sufficient to serve all of a State agency's potentially eligible participants for one quarter.

The live birth data used included all births and are not adjusted to reflect those births in families below 200 percent of poverty. This results in overstated figures. An alternate procedure has been suggested which would use one-fifth of the number of children under five below 200 percent of poverty rather than live births.

Live birth data were obtained from the National Center for Health Statistics; Vital Statistics Report, 1975, and from Indian Health Service, Bureau of Indian Affairs and Tribal Statistics. The food package cost used for Indian State agencies was the higher of either the Indian State agency's actual average food cost or the average food cost for all Indian State agencies. The cost used for other State agencies was the average cost for all those agencies. The data elements used in determining the maximum grant level are shown in the chart below. Only the food costs for Indian State agencies are listed; all other State agencies were figured with an average food cost of $22.26. This cost is the average for the first ten months of FY '78. Applicable State figures for the children under five below 200 percent poverty have been adjusted to subtract out Indian data.

	Children under 5 below 200% poverty	Live births for 1975	Food cost
New England			
Connecticut	60,903	35,915	
Maine	41,223	15,279	
Massachusetts	165,590	68,309	
New Hampshire	24,077	11,049	
Rhode Island	24,423	10,727	
Vermont	19,273	6,745	
Mid-Atlantic			
Delaware	15,840	8,242	
Maryland	102,257	52,817	
New Jersey	201,240	91,862	
New York	463,759	263,034	
Pennsylvania	360,837	149,074	
Puerto Rico	321,809	69,702	
Seneca Nat., NY	298	144	25.31
Virginia	129,580	70,124	
Virgin Islands	10,673	2,372	
West Virginia	72,780	28,086	
Southeast			
Alabama	147,137	59,086	
Florida	286,927	105,700	
Georgia	215,207	79,990	
Kentucky	130,077	54,680	
Mississippi	120,484	43,637	
North Carolina	198,252	80,786	
South Carolina	120,027	46,697	
Tennessee	172,680	62,347	
Seminoles, FL	166	32	36.92
Choctaws, MS	573	170	26.58
E. Cherokee, NC	741	140	22.27
Southwest			
Arkansas	104,420	34,457	
Louisiana	163,280	67,933	
New Mexico	57,524	19,882	
Oklahoma	89,664	39,761	
Texas	578,220	215,665	
Acoma, NM	365	48	21.99
N. Pueblo, NM	363	157	21.99
Isleta Pueblo, NM	212	432	21.99
Santa Domingo, NM	271	64	21.99
Six Sandoval, NM	554	262	21.99
WCD Ent., OK	2,206	150	21.99
Choctaws, OK	1,472	364	21.99
Cherokee, OK	7,303	1,250	21.99
Chickasaw, OK	963	199	21.99
Tonkawa, OK	1,056	191	21.99
Potawatami, OK	3,766	771	21.99
Zuni, NM	894	191	21.99
Midwest			
Illinois	331,067	169,420	
Indiana	173,510	82,433	
Michigan	269,927	133,963	
Minnesota	116,520	56,444	
Ohio	373,587	158,701	
Wisconsin	119,760	65,173	
Mountain Plains			
Colorado	77,140	40,118	
Iowa	76,817	41,378	
Kansas	64,980	33,894	
Missouri	143,627	68,519	
Montana	25,760	12,058	
Nebraska	46,979	23,548	
North Dakota	19,941	10,441	
South Dakota	25,257	10,803	
Utah	67,307	31,663	
Shos & Ara., WY	544	118	22.47
Ute Mtn. Tribe, CO	133	87	22.27
Winnebago, Neb	421	121	25.73
Cheyenne Rv., SD	669	153	24.41
Rosebud, SD	1,091	294	21.99
Standing Rock, ND	759	155	28.65
Western			
Alaska	10,043	7,467	
Arizona	102,850	39,578	
California	640,697	317,423	
Hawaii	27,143	15,713	
Idaho	37,083	16,243	
Nevada	20,870	8,811	
Oregon	69,487	33,392	
Washington	108,237	50,782	
ITCN	1,000	245	23.13

(3) *50 Percent Cap*—During the development of the program (food) formula, the Department completed one run of the formula with the hold harmless and maximum grant provisions of the formula in place. The results of this run were reviewed, and it was determined that some State agencies were receiving quite substantial increases in their funding level as compared with their previous fourth quarter level. The Department felt that such increases would result in too rapid expansion which could have detrimental effects on the efficient operation of the Program and could result in a greater amount of unspent funds at the end of the year. Since the amount of funds involved was especially large for agencies which received $5 million in food monies in the previous fiscal year, the Department decided to limit these agencies to a 50 percent increase over their fourth quarter level. To date, Puerto Rico and Florida are the only State agencies experiencing this limitation.

In addition to these agencies, there are four State agencies (Indiana, New Mexico, Nebraska, and Virgin Islands) which receive more than a 50 percent increase over their fourth quarter level. There is a total of 15 State agencies that either receive more than their hold harmless level or receive the 50 percent cap. This means that these agencies receive more than a 10 percent increase over their fourth quarter level. These increases range from 11.8 percent to 178.3 percent.

The Department is concerned that all available funds be spent as expeditiously as possible. In regard to the 50 percent cap issue, there are several questions: (1) Is 50 percent the proper percentage level for the cap, or should a different percentage limitation be established? and (2) Should the cap continue to apply only to States which received at least $5 million in the prior fiscal year, or should it apply to more States? If it should apply to more States, should there be a lower threshhold than $5 million and, if so, what should the threshhlold be, or should there be no threshhold at all? The Department is very interested in the public's comments on these specific questions.

II. Application of the Formula

The first step of the formula process is to enter all data elements into the computer. Data for each State agency are entered along with applicable totals used in comparisons. As stated above, the total number of children under five below 200 percent poverty is the sum of all State agency numbers entered.

Second, the mathematical equation is carried out. For each State agency, the number of children under five below 200 percent poverty is divided by the national total of children under five below 200 percent poverty. The result is multiplied by each State agency's infant mortality rate divided by the national average infant mortality rate. This equation results in a multidigit decimaled number called the index number.

Third, the index numbers are summed and then each State agency's index number is divided by the total to arrive at a percent which indicates the State agencies' relationships to each other and to the total. The percentages are applied to the funds available to determine each State agency's funding level.

Fourth, State agencies are run through the formula initially. If according to the formula any State agency would receive less funds than it received for the immediately preceding fiscal year's fourth quarter plus 10 percent, it is "held harmless" and given the fourth quarter level plus 10 percent. Additionally, if according to the formula any State agency would receive an amount greater than its maximum grant level it is funded at the maximum grant level. Those State agencies with a fourth quarter annualized level of $5 million or more that have been previously identified by a preliminary run of the formula as receiving more than a 50 percent increase by the formula are limited to a 50 percent increase. The amount of funds needed to provide allocations for the three categories listed above, namely, hold harmless, maximum grant and 50 percent cap State agencies, is totaled and subtracted from the total funds available.

The formula is then run on the remaining funds for the State agencies which did not fall into one of the three categories listed above. Any State agency receiving less than its fourth quarter level plus 10 percent in this second run is held harmless. The funds needed for alllocations to hold harmless State agencies are subtracted from total funds for this second run, and the formula is run again with the remaining funds and State agencies. This procedure is repeated until no State agencies are held harmless.

Each time a subsequent run of the formula is made, the index numbers of the State agencies remaining in consideration are summed and the new total is used to derive new percentage relationships (new indexes are not computed as this would not change the percentages). The percentages are then applied to the remaining funds to determine funding levels. The resultant levels are compared to the hold harmless levels to determine if any State agency is receiving less than their hold harmless level. Any such agencies are given their hold harmless level, and they and the funds provided for them are removed from consideration. The purpose of the subsequent runs is to continue the comparison until no more State agencies are held harmless.

III. Alternative Formula Procedures

Some alternate procedures for applying the formula have been suggested and are discussed below.

A. *Alternative I*

One procedure would implement the first run of the formula as described above except that there would be no 50 percent cap State agencies. All State agencies that were identified as hold harmless or maximum grant would be given those funds and dropped out of consideration. Next, rather than completing the subsequent runs described above, the State agencies remaining in consideration after the first run would be given their fourth quarter plus 10 percent level. The funds necessary to accomplish this would be subtracted. Then the formula would be run for those State agencies against the small amount of remaining funds. The result of this application of the formula would be added to each State agency's fourth quarter plus 10 percent level to arrive at each State agency's total funding level for the quarter.

The effect of this procedure would be that State agencies with a greater degree of need as demonstrated by the formula receive less funds than they receive if the formula is applied according to the Department's method. Conversely, those State agencies with a lesser need receive more funds. As a result, the purpose of the Department's formula to allocate the greatest funds to the neediest agencies is thwarted.

The chart below indicates the percentage of need that was being met in each State agency in the fourth quarter of FY 1978. The chart represents a comparison of the average fourth quarter FY 1978 participation of infants and children to the State agency's number of children under 5 below 200 percent poverty. This comparison results in a figure which indicates the percentage of potential participants being served by the State agency.

State	Percent of need being met 4th quarter fiscal year 1978
New England:	
Connecticut	36.33
Maine	20.43
Massachusetts	10.91
New Hampshire	12.58
Rhode Island	15.61
Vermont	61.24
Mid-Atlantic:	
Delaware	15.47
Maryland	16.74
New Jersey*	12.16
New York	15.93
Pennsylvania*	9.36
Puerto Rico*	6.25
Seneca Nat., NY	110.74
Virginia	15.12
Virgin Islands*	8.27
West Virginia	13.74
Southeast:	
Alabama	16.10
Florida*	9.97
Georgia	15.87
Kentucky	21.84
Mississippi	25.77
North Carolina	21.42
South Carolina	25.63
Tennessee	17.11
Seminoles, FL	93.37
Choctaws, MS	101.92
E. Cherokee, NC	75.84
Southwest:	
Arkansas	10.54
Louisiana	19.58
Mew Mexico*	8.58
Oklahoma*	9.66
Texas*	11.59
Acoma, NM	81.37
N. Pueblo, NM	66.67
Isleta Pueblo, NN	91.04
Santa Domingo, NM	90.41
Six S., NM	91.34
WCD Ent., OK	79.15
Choctaws, OK	64.67
Cherokee, OK	17.34
Chickasaw, OK	28.14
Tonkawa, OK	19.22
Midwest:	
Illinois*	12.71
Indiana*	4.44
Michigan*	12.02
Minnesota	11.93
Ohio	13.25
Wisconsin	15.86
Mountain Plains:	
Colorado	11.41
Iowa	15.21
Kansas*	10.68
Missouri	19.50
Montana	30.79
Nebraska*	4.54
North Dakota	19.38
South Dakota*	10.21
Utah	13.52
Shos. & Ara., WY	87.87
Ute Mtn. Tribe, CO	45.86
Winnebago, Neb	72.45
Cheyenne Rv., SD	93.57
Rosebud, SD	65.08
Standing Rock, ND	47.04
Western:	
Alaska*	6.26
Arizona	22.46
California	9.60
Hawaii	9.18
Idaho	17.16
Nevada	20.11
Oregon	16.98
Washington	15.17
ITCN	41.50

*State agencies not held harmless by the current USDA formula and which would be affected by the alternative formula.

USDA's formula application provides funds based on the number of potential eligibles in conjunction with infant mortality rates so that those State agencies meeting the lowest percentage of their need receive the highest percentage of increase in their funding level. In so doing, the Department is funding those most in need. Conversely, Alternative I would not give the highest relative increase to those State agencies with the greatest need. In fact, this alternative would substantially reduce the funding level of these State agencies. The end result of this alternative is that previous funding levels are perpetuated, since through this procedure everyone receives around a 10 percent increase. The current USDA formula is designed to help correct the past funding inequities which are reflected in the percentage of need being met shown in the chart above.

B. Alternative II

Another alternative would be to apply the formula as applied by the Department without the hold harmless provision. This would give State agencies funding according to their releative need with no relationship to previous operations. The most overwhelming effect of using this procedure would be the drastic cut backs in operation which some State agencies would have to initiate. The end result of such action is the removal of at least some participants from the Program.

C. Alternative III

Another alternative would be to provide all State agencies with a straight percentage increae over their fourth quarter level. This would perpetuate the current inequality of the funding relationships among State agencies. That is, those State agencies that were more successful in expanding their operation at the beginning of the Program would receive a larger portion of the funds. Therefore, they would be able to meet a larger percentage of their need. The use of this procedure would continue this funding inequity.

D. Alternative IV

A procedure which would more quickly correct the funding inequity among the States would be to hold all State agencies which are meeting a larger proportion of their need to their current operational level and give those State agencies which are meeting less of their need sufficient funds and time to expand their operation and catch up. One major problem with this procedure is that there is no provision for inflation. As costs rise the State agencies being held at status-quo would either reduce benefits or remove participants from the Program. Alternatives IV and V do not meet the strict definition of a formula and thus might not be in full compliance with the law.

These are only a few alternative suggestions. The Department is interested in receiving comments on these alternatives as well as suggestions of any other viable options.

As stated above, the Department is issuing this document for public comment. In order to allow sufficient time to analyze all comments received and then to issue in final a description of the formula used to allocate program (food) funds prior to fiscal year 1980, it is necessary to limit the comment period to 45 days. The Department believes the public interest is served in this instance in that a longer comment period would result in the allocation of funds prior to the formal publication of the Department's final decision on this issue. To be assured of consideration, comments should be received by August 3, 1979. All comments received by that date will be carefully considered before a final decision is made.

Comments may be sent to: Jennifer R. Nelson, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250.

Copies of all written submissions received will be made available for public inspection in Room 4405, 201 14th Street, S.W., Washington, D.C., during regular business hours (8:30 a.m. to 5 p.m.)

Signed in Washington, D.C., on June 13, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-18933 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-30-M

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

Small Business Size Standards; Establishing a New Size Standard for Retail Heating Oil Dealers for Purposes of SBA Loan Programs

AGENCY: Small Business Administration.

ACTION: Proposed Rulemaking.

SUMMARY: This rule proposes to raise the size standard for retail heating oil dealers from $2 million to $6 million in average annual sales. It is necessary because the structure of the industry has shifted due to changes in the

accessibility and prices of raw materials and because of legislative costs imposed on the industry.

EFFECTIVE DATE: Written comments must be submitted by July 19, 1979.

ADDRESS ALL COMMENTS TO: Kaleel C. Skeirik, Chief, Size Standards Division, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Robert N. Ray, Jr., (202) 653-6373.

SUPPLEMENTARY INFORMATION: The loan size standard of $2 million for SIC 5983, *Fuel Oil Dealers*, was set in 1975 and was based on the industrial structure of firms within that industry during the 1973–1974 period. The 1973–1974 years, however, marked the beginning of fuel shortages as a result of cutbacks among the oil exporting nations. Thus, the fuel oil industry did not have sufficient time to adjust to the changing supply situation when the size standard of $2 million was initially set in 1975.

Cost increases due to foreign imposed supply limitations since 1973 have had a greater impact than any other factor in changing the industrial structure of the fuel oil industry. It is estimated, for example, that the magnitude of wholesale price rises from mid-1973 to mid-1979 in the fuel oil industry will be in the 150–200 percent range. This is similar to price increases annonced by the Organization of Petroleum Exporting Countries, which suggests that changes in the price of imported crude have been the primary cause of price rises in the oil industry.

While foreign imposed price increases have affected the structure of the entire fuel oil industry, other factors have tended to impact most heavily on the small business sector of that industry. For examples, the seasonal tendency in the industry to accumulate large amounts of customers' accounts receivable tends to work a hardship on small firms which typically do not have the same availability to financial capital as do large firms. Reporting and recordkeeping requirements initiated by the Department of Energy have also contributed more heavily to the costs of operating a small fuel oil marketing business than costs for large firms in the industry. Thus, other factors in conjuction with foreign imposed price increase have adversely affected the small business sector of the industry.

A rise in the size standard to $6.0 million from the present $2.0 million would account for an estimated 80 percent of dealers in the fuel oil industry.

It would bring the proportion of firms considered small by the Small Business Administration in this industry into closer comparability with other industries, and also help to alleviate those problems present in the industry which disproportionately impact on small firms.

Accordingly, pursuant to authority contained in Section 5(b)(6) of the Small Business Act, as amended, 15 U.S.C. 634, et seq, section 121.3, Schedule D of Part 121, Chapter I of Title 13, Code of Federal Regulations is proposed to be amended by changing Major Group 59 to read as follows:

Schedule D

* * * * *

Major Group 59—Miscellaneous Retail

5961	Mail order houses	7.5
5983	Fuel oil dealers	6.0

Dated: June 8, 1979.

William H. Mauk, Jr.

Acting Administrator.

[FR Doc. 79-19077 Filed 6-18-79; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

Opportunity to Submit Comments on Petition to Issue Rule Declaring Oil Company Ownership of Petroleum Pipelines To Be an Unfair Method of Competition

[File No. 7910065]

AGENCY: Federal Trade Commission.

ACTION: Request for Comment.

SUMMARY: The Federal Trade Commission has been petitioned by Senator Edward M. Kennedy of Massachusetts to issue a rule declaring oil company ownership of petroleum pipelines to be an unfair method of competition. The Commission has unanimously decided that the petition should be neither granted nor denied until interested persons are afforded an opportunity to make their views known to the Commission staff who will recommend to the Commission appropriate action with respect to the competitive problems alledged by the petition. Accordingly, the Commission is soliciting written views on the Petition and the specific questions set forth below in this Notice. The Commission believes that public comment on the petition could greatly enhance development of the issues which should be considered by the Commission.

DATES: Comments should be received on or before October 18, 1979.

ADDRESS: Send comments to Ronald B. Rowe, Assistant Director, Bureau of Competition, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Ronald B. Rowe, Assistant Director, or Rhett R. Krulla, Attorney, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580 (telephone (202) 724–1441 and (202) 724–1428, respectively).

SUPPLEMENTARY INFORMATION: Comments should be submitted in triplicate to the above address. All comments so received will be placed in a public file, except for information that discloses the identity of a confidential source or contains confidential commercial or financial information. If you believe your comment contains such information or fits this category, please specify the reasons for your belief. Such information will be retained in the Bureau staff's nonpublic, investigative file.

Interested persons are invited to address any issues of fact, law, policy or procedure which they feel are relevant to the petition and should be considered by the Commission. Further, the Commission particularly desires comment upon the questions listed below. These questions are provided in order to facilitate public comment and should not be construed to limit the nature and scope of comments prepared in response to this Notice. Following these questions, Senator Kennedy's petition is reprinted in full below.

1. What is the competitive structure of petroleum transportation?

(a) To what extent do petroleum pipelines compete among themselves in the transportation of petroleum?

(b) To what extent do petroleum pipelines compete with other modes of petroleum transportation?

(c) What barriers,if any, exist with respect to entry into large diameter petroleum pipeline transportation?

(d) What effects do pipeline economies of scale have on competition in petroleum transportation?

2. What are the economic effects of oil company ownership of petroleum pipelines?

(a) To what extent may transactional and project risks, ability to attract capital, operating efficiencies, or other economic factors support oil company ownership of petroleum pipelines?

(b) What information is required, and how might such information be used, to confirm or deny the petitioner's allegation that integrated oil companies are able to extract monopoly profits

through restriction of pipeline throughput or capacity?

(c) To what extent have individual oil company owned pipelines operated at or near full capacity or under prorationing during the past ten years?

(d) What has been the expansion history of individual pipelines? What has been the relationship between such expansions and increases in demand?

3. What are the competitive effects of oil company ownership of petroleum pipelines

(a) Are oil companies able to secure any competitive advantages through ownership of petroleum pipelines?

(b) Are there any significant competitive differences among the various oil company owned pipelines? What market indicia should be used to measure these differences?

(c) What degree of competitive harm should be shown before Commission action is warranted?

(d) What obstacles, practical difficulties, or disadvantanges may non-owners face in securing the desired level of use of oil company owned pipelines?

(e) What is the effectiveness of common carrier regulation of petroleum pipelines? To what extent are the following aspects of petroleum pipeline transportation unregulated: pipeline routing, pipeline connections, provision of terminal and storage facilities, pipeline financing, pipeline capacity and expansion, pipeline ownership, and tariff and prorationing policies?

(f) How do the services generally provided by existing independent petroleum pipelines differ from those ordinarily provided by oil company owned pipelines?

(g) To what extent have non-owners and non-major oil companies used individual oil company owned pipelines during the past ten years? What share of the total throughput of such pipelines has been accounted for by non-owners and by non-major oil companies?

(h) To what extent do potential pipeline shippers enter into exchange agreements as an alternative to using oil company owned pipelines as common carriers? What are the advantages or disadvantages of such arrangements?

(i) How are decisions made during the planning stage of a petroleum pipeline project regarding: Ownership, routing, capacity, expansion, connections policy, provision of terminal and storage facilities, prorationing policy, financing, tariff policy, and share readjustment? How are such decisions made once the pipeline becomes operational?

4. Would prohibition of oil company ownership of petroleum pipelines serve the public interest?

(a) Would the Commission's issuance of a rule prohibiting oil company ownership of petroleum pipeline serve the public interest?

(b) Should divestiture by the Commission be limited to pipelines possessing substantial market power?

(c) What limitations or exceptions, if any, should there be to the scope or application of the proposed rule?

(d) What alternative rules or remedies to the proposed rule should the Commission consider? How could the Commission best implement such rules or remedy?

(e) What are the public benefits or costs of oil company ownership of petroleum pipelines?

(f) What would be the public benefits or costs of prohibiting oil company ownership of petroleum pipelines and requiring divestiture of existing oil company owned pipelines?

(g) How could pipeline divestiture best be implemented?

5. What would be the financial effects of prohibiting oil company ownership of petroleum pipelines?

(a) What effect would diverstiture have upon existing financial arrangements of oil company owned pipelines including throughput commitments and debt obligations?

(b) What effect would diverstiture have upon the ability of divested pipelines to expand or to attract capital? What capital requirements would such existing pipelines have?

(c) How would new pipelines not owned by oil companies be financed?

(d) What, if any, guarantees or throughput commitments would be necessary for financing of independent pipelines? Under what circumstances would oil companies provide such guarantees or commitments? What compensation should oil companies expect in return?

* * * * *

Petition for the Initiation of a Rulemaking Proceeding Prohibiting Ownership of Petroleum Pipelines by Petroleum Companies

The purpose of this petition is to request the Federal Trade Commission ("Commission") pursuant to 5 U.S.C. 553 and 16 CFR 1.25 to initiate a rulemaking proceeding to proscribe as unfair methods of competition certain forms of petroleum pipeline ownership. Specifically, I request the Commission issue a trade regulation rule declaring it to be an unfair trade practice for an oil company to have any ownership interest in petroleum pipelines of certain classes.

Jurisdiction

The Commission has authority under Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, to prohibit "unfair methods of competition in or affecting commerce." While pipelines themselves are exempted from the Commission's jurisdiction to the extent they are common carriers as defined in Section 5(a)(6) of the FTC Act, parent companies of such carriers are not exempt. The Commission may proceed against parents and affiliates of, or parties acting in concert with, persons exempted from the Commission's jurisdiction.[1]

The Commission has authority under Section 6(g) of the FTC Act to proceed by way of rulemaking in lieu of case-by-case adjudication. That section empowers the Commission to issue rules defining unfair methods of competition, violations of which would constitute violations of Section 5 of the FTC Act.[3] This method is especially appropriate where an elaborate factual record need not be developed. Because the debate over the competitive consequences of petroleum pipeline ownership by integrated oil companies will involve predominantly issues of competitive theory, with disputes of fact playing a less significant role, rulemaking rather than adjudication is the most efficient way to address this question.

The question whether divestiture for competitive purposes can be ordered in an administrative rulemaking proceeding was dealt with by the Supreme court this year in *FCC v. National Citizens Committee for Broadcasting et al.*, U.S.——, 56 L.Ed. 2d 697, 98 S. Ct.—— (June 12, 1978). In that case, the Court upheld an FCC rule dealing with the "cross ownership" of television and radio stations by newspapers; the FCC rule required divestiture in sixteen cases. The court upheld the divestiture requirements, thus establishing a clear precedent for dealing with industry-wide structural problems through rulemaking.

The Commission has long held that divestiture is within its power when this

[1] *Perpetual Federal Savings & Loan Ass'n.*, Docket No. 9083, Final Order to Cease and Desist, 3 Trade Reg. Rep., 21,371 (December 6, 1977) (appeal pending). *Exxon Corp. et al.*, Docket No. 8934, Order Denying Respondents' Motion to Strike Allegations Re Pipelines or to Stay this Proceeding Re Pipelines, July 3, 1978; Order Denying Respondents' Motions to Strike Pipeline Allegations Etc., October 10, 1974; Order Denying Respondents' Motions Regarding Governmental Action and Primary Jurisdiction, December 3, 1974.

[2] *National Petroleum Refiners' Ass'n et al. v. FTC et al.*, 482 F. 2d 672 (D.C. Cir. 1973), *cert denied*, 415 U.S. 951 (1974).

remedy would advance the public interest.[3]

Harm to the Public Interest

The specific unfairness on which this petition is grounded involves the relationship between pipelines and their oil company owners, and the inherent competitive advantages that accrue to the oil companies as a result of such ownership. As will be discussed below, the public interest is injured in two ways. First, consumers must pay higher prices for petroleum products because integrated oil companies are able to exploit the monopoly power inherent in their pipeline ownership. Second, competition between oil companies is injured because the system of integrated oil company ownership virtually by definition places disadvantages on the non-owner shipper in terms of both costs and access to the lines. This unfairness does not depend upon a specific pattern of behavior; it is the inevitable result of shipper ownership of common carrier pipelines.

Factual Background

Vertically integrated oil companies are owners of the vast majority of petroleum pipelines. This control extends to all three types of pipeline: Gathering lines carrying crude oil from wells to intermediate storage tanks; crude oil pipelines carrying crude from producing areas to refineries; and product pipelines carrying refined products from refineries or terminals to markets. A study prepared by the ICC staff showed that in 1975, the top 20 vertically integrated oil companies controlled 74.2 percent of total pipeline operating revenue. That same study found that the top twenty integrated oil firms accounted for 94.5 percent of all crude barrel-mile movements and 78.1 percent of product barrel-mile traffic.[4]

Of the 90 petroleum pipeline companies which reported $500,000 or more annual revenues in 1975, a full 81 were owned either by vertically integrated oil companies (50.8 percent) or by joint stock companies affiliated with one or more vertically integrated oil companies (36.2 percent).

Petroleum pipelines are natural monopolies. The economies of scale are usually such that maximum efficiency may be realized when only one pipeline serves a particular geographic market. Competition between pipelines would, therefore, result in waste and inefficiency. The natural monopoly inherent in pipeline transportation has been recognized by the law since the passage of the Hepburn Act in 1906. That Act brought petroleum pipelines under the regulation of the Interstate Commerce Commission. It required them to provide transportation upon reasonable request and to establish just and reasonable rates.

Historically, however, pipeline regulation has been a failure. ICC regulation has ensured neither equitable rates nor nondiscriminatory access. Over the seventy-two years that it had jurisdiction over pipelines, the ICC dealt with the access problem only twice, each time to require a reduction of minimum tender offers. While the ICC has regularly explained its inactivity in this area by asserting that there have been no complaints from the industry, there is considerable evidence that access to pipelines has been a chronic competitive problem. In 1967, the Attorney General's Report on the Interstate Oil Compact found that the nonowner shippers confronted serious obstacles in gaining access to common carrier crude pipelines:

> * * * outsiders simply are unable to use these lines as they could other types of common carriers. This is probably due less to direct refusal to accept outside shipment as to the multiple inconvenience which an outsider would encounter in attempting shipment over a line designated and geared almost entirely to handle the refiner-owner's own shipments.

The report went on to describe the consequences of this control:

> * * * virtually all crude oil passing through a pipeline carrier system is oil owned by the carrier's refining affiliate. Some exception is made where the "outsider" is also an integrated company whose lines elsewhere the carrier's refining affiliate may wish to use. Even in this situation, however, the appearance of discrimination is avoided by the exchange and reexchange of the oil involved, or its "sale and repurchase."

More recently, the Department of Justice report on Deepwater Ports cited an economic analysis performed by a large oil company which noted the numerous ways nonowners can be denied access:

> * * * there are many subtle ways that nonowners can, in effect, be locked out limiting grade, tankage use, batch size, scheduling, etc. "Colonial" and "Explorer," for example, clearly inhibit nonowners. And, at present, the terminal to St. James pipeline is planned as an undivided interest line. While in theory the undivided share is common carrier transportation, in practice it is not * * *

("Explorer" and "Colonial" are two of the largest and most important petroleum product pipelines in the country.)

As for rate regulation, the record of the ICC is no better. In a recent case, *Farmers Union Central Exchange et al v. FERC*, No. 76-2138 (D.C. Cir. June 27, 1978) the United States Court of Appeals for the district of Columbia Circuit reviewed the whole history of rate regulation by the ICC. In the years since the passage of the Hepburn Act, the Court could find no "viable precedents" and no "semblance of established ratemaking theory" that would enable it to make sense of the record before it.

The Case for Prohibiting Shipper Ownership

The central proposition on which this petition is grounded is that the failure of regulation to guarantee nondiscrimination in access, adequate capacity for nonowners, and equitable rates is a direct consequence of the struture of pipeline ownership. This theory was developed by the Department of Justice and presented to the Subcommittee by Assistant Attorney General Shenefield. It holds that under the present statutory scheme, effective regulation is logically impossible. Rate regulation can be evaded by restricting the capacity of the line and forcing some part of the downstream demand to be met by less efficient and more costly means, thus raising the price of all product shipped into that market.

In testimony prepared for the Antitrust Subcommittee, the commission's Director of the bureau of Competition illustrated the theory with a simplified example:

> * * * assume that boston is served by one pipeline, that it is the least-cost method of transportation into Boston, and that it is owned by one firm. How large will the owner make the pipe? If the owner is a firm that depends upon the profit derived solely from pipeline transportation fees, it will size the line to maximize its transportation profits. On the other hand, if the line is owned by a firm that owns both the pipeline and sells gasoline in the Boston market, that firm will size the line so that the combined profits from the operation of the line and the gasoline sales in the Boston area are maximized. Under federal regulation, the profit rate permitted on pipeline operations is fixed. However, the owner-shipper can size his line so that the volume of gasoline that flows into the market is restricted, thereby ensuring that profits from its gasoline marketing operations are maximized.

In short, because pipeline capacity is not regulated, owners can evade rate regulation. The effect of such evasion is to raise prices to consumers and to

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[3] *In The Matter of Ekco Products Co.*, 65 FTC 1163, 1213 (1964), aff'd 347 F.2d 745 (7th Cir. 1965).

[4] These data, as well as other relevant factual material, are set out in the *Staff Report of the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, 95th Cong., 2nd Sess., Report on Oil Company Ownership of Pipelines*, 56 (Comm. Print 1978), which is attached to and made a part of this petition.

discriminate against nonowner shippers by depriving them of adequate capacity and equitable rates.

It is important to recognie that capacity is singularly difficult to regulate. Such regulation places the government into the business of second-guessing investment decisions. It would involve a drastically expanded scheme for pipeline regulation. The Department of Justice proposed such a regulatory scheme for deepwater ports, regulated by the Department of Transportation, but argued that the scheme would be inappropriate for dealing with competitive problems in the pipeline industry as a whole.[5]

As Assistant Attorney General Shenefield said concerning the rules for deepwater ports in testimony prepared for the Antitrust Subcommittee:

> On the balance, I believe the basic flaw in the Competitive Rules, even in the (deepwater port) context, may be characterized as their tendency to treat the symptoms rather than the disease. The treatment goes on forever, at considerable expense to all, and only the approximation of a cure is effected.

The other possible solution is divestiture—the separation of pipeline ownership from the other oil industry operations. Again, as Mr. Shenefield observed:

> Divestiture * * * attacks the problem directly because the problem is clearly rooted in the structure. What might appear to be a drastic approach, therefore, is in reality a clean and decisive break with the burdensome requirement of continuous, pervasive regulatory scrutiny.

The argument may be summed up as follows. Petroleum pipelines are natural monopolies. The only way nonowner shippers, and ultimately the public, can be protected from the abuse of the monopoly power invested in their owners is through effective regulation. Effective regulation, however, is impossible given both the present statutory scheme and the industry structure. The choices, therefore, are between a massive expansion of regulation, and in particular regulation of capacity and other investment decision, on the one hand, and divestiture, on the other.

Appropriateness of FTC Action

The Commission has both the necessary jurisdiction and the flexibility in its rulemaking procedures to deal effectively with the problem of pipeline ownership. Not only can the Commission deal with competitive problems through its broad rulemaking powers, it has the ability to tailor its procedures to fit the precise nature of the particular problem before it. To a large extent, the issues raised by this petition do not require an evidentiary hearing. They involve the "fairness" of shipper-ownership within the meaning of Section 5 of the FTC Act. They are more matters of law and public policy than questions of fact. Therefore, a formal adjudicative proceeding would be both inappropriate and unnecessary. Although some evidentiary hearings may be called for, fairness and equity will not require rigid adherence to trial-type procedures, nor the compilation of a voluminous factual record.

As is clear from the attached statement of Assistant Attorney General Shenefield, the Department of Justice has developed considerable expertise in the pipeline area. It would be extremely valuable to the Commission, as well as an effective and efficient use of governmental resources, if the FTC were to undertake this proceeding with the active participation of the Department. This can be achieved by a simple request from the Commission that the Department participate in the proceedings.

Conclusion

Since 1906 there have been numerous studies, investigations, and reports on the question of pipeline ownership.[6] Virtually all have found a massive inconsistency between shipper-ownership on one hand, and common carrier status on the other. Virtually all have called for divorcing ownership of pipelines from the shipper function. Reinforcing this mass of accumulated expertise is the overwhelmingly persuasive analysis done by the Department of Justice.

It is clear that the failure of traditional common carrier regulation has not been solely the result of indifference or ineptitude. In the context of the present system of shipper-ownership, traditional regulation is logically impossible. Such ownership, with its potential for harm both to outside shippers and to consumers, is unfair and violates Section 5 of the FTC Act. The Commission has the jurisdiction and the authority to promulgate an effective remedy—the divestiture of petroleum pipelines from integrated oil companies.

Respectfully submitted,

Edward M. Kennedy.

* * * * *

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-19021 Filed 6-18-79; 8:45 am]

BILLING CODE 6750-01-M

[5] The proposal for regulating deepwater ports involved four "Competitive Rules:"

1. Deepwater ports must provide open and nondiscriminatory access to all shippers, owner and nonowner alike.

2. Any deepwater port owner or shipper providing adequate throughput guarantees at the standard tariff can unilaterally request and obtain expansion of capacity.

3. Deepwater ports must provide open ownership to all shippers at a price equivalent to replacement cost less economic depreciation.

4. The ownership shares of the deepwater ports' owners must be revised frequently (annually) so that each owner's share quals his share of average throughput.

It is relevant to note there that application of these four Rules to pipelines on the Outer Continental Shelf was considered and rejected by the Senate during the debate on the OCS Lands act Amendments. The objection was to the complexity and the burden of the regulation.

[6] This material is discussed at some length in the attached Subcommittee Staff Report on Oil Company Ownership of Pipelines [not attached].

[16 CFR Part 457]

Standards and Certification; Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Amendment to Notice of Proposed Rulemaking.

SUMMARY: This amendment to the notice of proposed rulemaking clarifies the authority of the Presiding Officer to issue compulsory process in connection with the Commission's rulemaking proceeding concerning standards and certification. Although the Commission gave the Presiding Officer the power to issue compulsory process in its notice of proposed rulemaking, it inadvertently omitted the standards by which that power should be exercised. This notice adds those standards.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Barry R. Rubin, Attorney, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3520.

SUPPLEMENTARY INFORMATION: On December 7, 1978, the Commission published a Notice of Proposed Rulemaking concerning this proceeding. [43 FR 57269 December 7, 1978.] Pursuant to Rule 1.20 of the Commission's Rules of Practice, 16 CFR 1.20, that notice prescribed the procedures to be followed in this proceeding. As announced in the notice, the powers of the Presiding Officer in this proceeding, in which no issues were designated, are those of Rule 1.13(c) of the Commission's Rules of Practice, 16 CFR 1.13(c), which include the power to "compel the attendance of persons or the production of documents or to obtain

responses to written questions," 16 CFR 1.13(c)(1)(vi). In the original notice, the Commission inadvertently omitted the standards that should govern the Presiding Officer's discretion to exercise compulsory process in this proceeding. Cf. 16 CFR 1.13(d)(6) (standards for the Presiding Officer's exercise of his compulsory process power in proceedings in which issues are designated). Accordingly, this amendment prescribes the standards that govern the Presiding Officer's discretion to issue compulsory process in the Standards and Certificate Rulemaking. The Notice of Proposed Rulemaking [43 FR 57269] is amended as follows:

By revising Section G to read as follows:

Section G. Notification of Interest

Interested persons who wish to avail themselves of the opportunity to question witnesses must, by March 2, 1979, notiy the Presiding Officer of their position with respect to the proposed rule and each individual provision thereof. This notification must be in sufficient detail to enable the Presiding Officer to identify groups with the same or similar interests respecting the proposed rule. The Presiding Officer may require the submission of additional information from any applicant whose notification is inadequate. Failure to file an adequate notification in sufficient detail may result in the applicant not being considered for purposes of questioning.

Before the hearings commence, the Presiding Officer will identify groups with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of conducting questioning and, if unable to make this selection, the Presiding Officer may select a representative of each such group. The Presiding Officer will notify all interested persons of the identity of the group representatives at the earliest practicable time.

Group representatives will be given an opportunity to question each witness on any issue relevant to the proceeding and within the scope of the testimony. The Presiding Officer may disallow any questioning which is not appropriate for full and true disclosure as to relevant issues. The Presiding Officer may impose fair and reasonable time limitations on the questioning. Given that questioning by group representatives and the staff will satisfy the statutory requirements with respect to disputed issues, no such issues will be designated by the Presiding Officer.

The Presiding Officer may grant requests to compel the production of documents or the attendance of persons or to obtain responses to written questions, only to the extent necessary to provide a participant in the rulemaking proceeding with an opportunity to obtain information necessary for a full and true disclosure as to relevant issues. Such requests should contain a statement showing the general relevancy of the material, information or presentation, and the reasonableness of the scope of the request, together with a showing that such material, information or presentation is not available by voluntary methods and cannot be obtained through examination, including cross-examination of oral presentations or the presentation of rebuttal submissions.

Any motion to limit or quash a ruling to compel the attendance of persons or the production of documents or to obtain responses to written questions shall be filed with the Presiding Officer within ten (10) days after service thereof, or within such other time as the Presiding Officer may allow. Such motion shall set forth all assertions of privilege or other factual and legal objection to the ruling, including all appropriate argument, affidavits and other supporting documentation. The Presiding Officer may, in his sole discretion, certify a ruling on such motion to quash to the Commission.

The Commission may, on its own motion, review a determination of the Presiding Officer which requires the production of confidential Commission records or the appearance of an offical or employee of the Commission or another government agency.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-19052 Filed 6-18-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 404 and 416]

Old-Age, Survivors, and Disability Insurance Program and Supplemental Security Income for the Aged, Blind, and Disabled; Decision To Develop Regulations

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: HEW plans to rewrite and reorganize several subparts of the regulations under titles II and XVI of the Social Security Act. The objectives are: (1) to comply with Executive Order 12044 and to meet the Department's "Operation Common Sense" standards by making the regulations clearer and easier to understand; (2) to remove obsolete and rarely used provisions; and (3) as appropriate, to examine the policies and consider additions, revisions, and clarifications. The revised subparts will be published with Notice of Proposed Rulemaking.

FOR FURTHER INFORMATION CONTACT: Charles Rollins, Room 4334, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6666.

SUPPLEMENTARY INFORMATION: The regulations presently being rewritten are:

(1) *20 CFR Part 404, Subpart Q.* This subpart contains the rules for representative payees under the Old-Age, Survivors, and Disability Insurance program. These rules explain when a person needs a representative payee, how a payee is selected and how we assure that the payee uses payments in the best interest of the beneficiary.

(2) *20 CFR Part 416, Subpart F.* This subpart contains the rules for representative payees under the Supplementary Security Income Program. These rules explain when a person needs a representative payee, how a payee is selected and how we assure that the payee uses payments in the best interest of the beneficiary.

(3) *20 CFR Part 416, Subpart M.* This subpart contains the rules for suspension or termination of supplementary security income (SSI) benefits. The rules explain when suspension or termination of SSI is required and the due process requirements for effecting suspension or termination.

(4) *20 CFR Part 416, Subpart Q.* This subpart contains the rules that require people who receive SSI benefits based on disability or blindness to accept training and other services to enable them to work. It also contains the rules that require drug addicts and alcoholics to accept treatment in order to receive supplemental security income benefits based on disability.

(5) *20 CFR Part 416, Subpart U.* This subpart contains the rules under which the Department of Health, Education, and Welfare (HEW) can make arrangements with States for HEW to decide whether people who receive SSI benefits are eligible for Medicaid.

HEW has classified the recodification of these regulations as policy significant in nature.

Dated: June 12, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 79-19023 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-07-M

Food and Drug Administration

[21 CFR Parts 20 and 110]

[Docket No. 78N-0296]

Current Good Manufacturing Practice In Manufacturing, Processing, Packing, or Holding Human Food

Correction

In FR Doc. 17432 appearing at page 33237 in the issue for Friday, June 8, 1979, make the following corrections:

(1) On page 33238, in the first column, under the heading, "SUMMARY", in the 16th line, "CGTMP" should be corrected to read "CGMP".

(2) On page 33238, in the first column, under the heading, "SUMMARY", in the 21st line, "save" should be corrected to read, "safe".

(3) On page 33238, in the first column, under the heading, "DATES", in the 4th line, delete the phrase, "on or before December 5, 1979" and substitute the following words in lieu thereof: "180 days after the date of its publication in the Federal Register".

BILLING CODE 1505-01-M

[21 CFR Parts 20 and 110]

[Docket No. 78P-0296]

Current Good Manufacturing Practices in Manufacturing, Processing, Packing, or Holding Human Food; Hearings

AGENCY: Food and Drug Administration.

ACTION: Notice of public hearings.

SUMMARY: The Food and Drug Administration (FDA) annouces that public hearings will be held in Chicago, Illinois on September 11, 1979, in San Francisco, California on October 3, 1979, and in Atlanta, Georgia on October 24, 1979, to receive information and views interested from persons on the proposed revision of the regulation concerning current good manufacturing practice (CGMP) for human food published in the Federal Register of June 8, 1979.

DATES: A written notice of participation should be filed by August 15, 1979 for the Chicago hearing, by September 7, 1979 for the San Francisco hearing, and by September 28, 1979 for the Atlanta hearing.

ADDRESS: Written notices of participation should be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street, SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: FDA will hold informal public hearings on the proposed revised current good manufacturing practice in manufacturing, processing, packing, or holding human food ("Umbrella CGMP") regulation, published in the Federal Register of June 8, 1979 (44 FR 33238). The hearings will be limited to the issues raised by that proposal. These hearings are essential in order to gather sufficient information and opinions on the impact of the proposed revision of the regulations. In particular, FDA is especially interested in the impact that these revised regulations will have on small businesses. The agency solicits comments from small business persons or trade associations representing small businesses on this issue.

These informal hearings are open to the public and will be held in accordance with Part 15 of the FDA procedural regulations (21 CFR Part 15).

The hearing scheduled for September 11, 1979 will start at 9:30 a.m. in the Radisson Hotel, 505 N. Michigan Avenue, Chicago, IL 60611. Those persons desiring to make a presentation at this hearing should file a written notice of participation by August 15, 1979.

The hearing scheduled for October 3, 1979 will start at 9:30 a.m. in the Ramada Inn, 590 Bay Street (Fisherman's Wharf), San Francisco, CA 94133. Those persons desiring to make a presentation at this hearing should file a written notice of participation by September 7, 1979.

The hearing scheduled for October 24, 1979 will start at 9:30 a.m. in the Atlanta Hilton, 255 Courtland Street, Atlanta, GA 30303. Those persons desiring to make a presentation at this hearing should file a written notice of participation by September 28, 1979.

Individuals or organizations will be allotted time for a presentation at only one hearing.

A written notice of participation should be filed with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, by the appropriate date indicated above. The envelope containing the notice of participation should be prominently marked "FOOD CGMP HEARING."

The notice of participation itself should be identified with Docket Number 78P-0296 and contain the following information:

1. Name, address, and telephone number of person desiring to make a presentation.
2. Business affiliation, if any.
3. Topic(s) of presentation.
4. Number of minutes for oral presentation (maximum of 15 minutes, unless more time can be justified).

A schedule of presentations for a hearing will be mailed to each person who files a notice of participation for that hearing and will also be available from the Hearing Clerk. If the number of persons formally requesting time for presentation exceeds the number that can be accomodated during the day session, the hearing will be carried over to the evening and, if necessary, to the following day. Participants will be notified in advance if an additional session(s) is required. Time permitting, persons not formally schedueled to make a presentation may be permitted to make a presentation at the discretion of the presiding officer. Individuals and organizations with common interests are urged to consolidate their presentations. Formal written statements or extensions of remarks (preferably four copies) may be presented to the presiding officer on the day of the hearing for inclusion in the hearing record of this proceeding.

Dated: June 14, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19090 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[24 CFR Part 1917]

[Docket No. FI-5557]

Proposed Flood Elevation Determinations for the Town of St. Marks, Wakulla County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of St. Marks, Wakulla County, Florida.

These base (100-year) flood elevations are the basis for the flood plain

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Port Leon Drive, St. Marks, Florida. Send comments to: Mayor Luther Franklin, P.O. Box 296, St. Marks, Florida 32355.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of St. Marks, Wakulla County, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in the flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance of existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hurricane Tidal Surge from Gulf of Mexico.	Intersection of West Pine Street and Seventh Street.	12
	Intersection of Tallahassee Avenue and Riverside Drive.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18637 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5558]

Proposed Flood Elevation Determinations for the City of West Melbourne, Brevard County, Fla.; Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of West Melbourne, Brevard County, Florida.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 90 East Court, Melbourne, Florida.

Send comments to: Mayor Larry Archibald, City Hall, P.O. Drawer 338, Melbourne, Florida 32901.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll-free line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of West Melbourne, Brevard County, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crane Creek	Shannon Avenue extended	23
	Just downstream of Wickham Road.	23

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18638 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-4862]

Proposed Flood Elevation Determinations for the City of Martinsville, Morgan County, Ind., Under the National Flood Insurance Program; Correction

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 1136 of the Federal Register of January 4, 1979.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

The following:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
White River	Approximately 3.7 miles downstream of Conrail Railroad Bridge.	590
	Approximately 2.69 miles upstream of State Route 39 at northern extraterritorial limits.	604
Indian Creek	At mouth of White River 2.8 miles upstream of 500 West Road.	590 606

Should be corrected to read:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
White River	Approximately 1.7 miles downstream of Conrail Railroad Bridge.	592
	Approximately 2.69 miles upstream of State Route 39.	604
Indian Creek	Approximately 1,850 feet downstream of State Route 37.	591
	Approximately 2.6 miles upstream of 500 West Road.	605

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18889 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-01-M

[24 CFR Part 1917]

[Docket No. FI-5559]

Proposed Flood Elevation Determinations for the Borough of Jefferson, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Jefferson, Allegheny County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, 3008 Old Clairton Road, Clairton, Pennsylvania.

Send comments to: Mr. Anthony Capane, Council President of Jefferson, R.D. 4, 27 Marion, Finleyville, Pennsylvania 15332.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Jefferson, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, National geodetic vertical datum
Monongahela River	Downstream Corporate Limits.	749
	Lock and Dam 3 (Upstream).	760
	Upstream Corporate Limits	751
Lobbs Run	Confluence with Monongahela River.	751
	3rd crossing of Walton Road (Upstream).	764
	Upstream Limit of Detailed Study.	812
Peters Creek	Downstream Corporate Limits.	750
	Private Drive 5,000 feet upstream of S.R. 51 (Upstream).	783
	Upstream Corporate Limits	822
Lewis Run	Confluence with Peters Creek.	773
	3rd crossing of State Route 57 (Upstream).	842
	Upstream Corporate Limits	918
Lick Run	Confluence with Peters Creek.	820
	Snowden Road (Upstream)	882
	McElhaney Road (Upstream).	925
	Upstream Limit of Detailed Study.	962

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Fr Doc. 79-18890 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5560]

Proposed Flood Elevation Determinations for the Borough of Pitcairn, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Pitcairn, Allegheny County, Pennsylvania.

These base (10-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Office, Pitcairn, Pennsylvania.

Send comments to: Mr. Joseph L. Rizzo, Council President of Pitcairn, 320 Center Avenue, Pitcairn, Pennsylvania 15140.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Pitcairn, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dirty Camp Run	Broadway Avenue (Upstream).	769
	Third Street (Upstream)	775
	Eleanor Street (Upstream)	780
	Agatha Street Culvert (Outlet).	780
	Agatha Street Culvert (Inlet)	786
	Taylor Avenue (Upstream)	793
	Hill Street (Extended)	798
	Wall Street (Upstream)	813
	Coal Street (Extended)	823
	Upstream Corporate Limits	835

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

FR Doc 79-18691 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5561]

Proposed Flood Elevation Determinations for the Town of Pine Ridge, Lexington County, S.C.; Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Pine Ridge, Lexington County, South Carolina.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 1015 Fish Hatchery Road, West Columbia, South Carolina 29169.

Send comments to: Mayor W. F. Turner or Mr. Doug Caley, Town Councilman, Town Hall, 1015 Fish Hatchery Road, West Columbia, South Carolina 29169.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Pine Ridge, Lexington County, South Carolina, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Congaree Creek	Northeastern Corporate Limits.	148
	Northwestern Corporate Limits (Approximately 2500 feet downstream of Southern Railway).	150
Big Branch	Just upstream of Fish Hatchery Road.	183
First Creek	Dogwood Road	174

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18892 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5562]

Proposed Flood Elevation Determinations for Kitsap County, Wash., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Kitsap County, Washington.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at County Courthouse, 614 Division Street, Port Orchard, Washington.

Send comments to: Mr. Gene Lobe, Chairman, Board of County Commissioners, Kitsap County, County Courthouse, 614 Division Street, Port Orchard, Washington 98366.

FOR FUTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Kitsap County, Washington, in accordance with section 110 of the Flood Distaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blackjack Creek (Upper Reach).	Dogwood Road (100 feet)*	179
	Lider Road (100 feet)*	187
	Sidney Road**	201
South Fork Blackjack Creek.	Confluence with Blackjack Creek (Upper Reach).	188
	Sidney Road (30 feet)*	201
Gorst Creek	State Route 3 (50 feet)*	10
	Old Navy Yard Way (Old Belfair Valley Road)**.	35
No Name Creek No. 4	State Route 3 (60 feet)*	46
Parish Creek	Old Navy Yard Way (Old Belfair Valley Road) (30 feet)*.	67
	State Route 3 (100 feet)***	112
Ross Creek	State Route 160 (10 feet)*	14
	State Route 16 (50 feet)***	111
Chico Creek	State Route 3 (125 feet)***	16
	State Route 3 (150 feet)*	25
	Erlands Point Road (50 feet)***.	33
	Erlands Point Road (75 feet)*.	39
	North Lake Way (75 feet)***.	83
	North Lake Way (100 feet)*	89
	Taylor Road (25 feet)***	94
	Taylor Road (25 feet)*	103
Kitsap Creek	Confluence with Chico Creek.	77
	West Kitsap Lake Road (10 feet)***.	153
Dickerson Creek	Taylor Road (25 feet)***	91
	Taylor Road (25 feet)*	99
	David Road (25 feet)*	114
	Burlington Northern Railroad (50 feet)***.	147
Curley Creek	Hinkley Road Extended 600 feet southeast of intersection of Locker and Hinkley Roads.	48
	Sedgewick Road (50 feet)*	109
	Olalla Road (Long Lake Road)**.	120
Beaver Creek	Beach Drive (25 feet)***	31
	Beach Drive (20 feet)*	37
	Beaver Creek Road (30 feet)*.	43
No Name Creek No. 6	State Route No. 3 (Kitsap Way) (60 feet)***.	22
	State Route No. 3 (Kitsap Way) (60 feet)*.	30
	Silverdale Loop Road**	50
	Ballard Lane**	121
Tributary to No Name Creek No. 6.	New State Route 3 (50 feet)***.	93
Barker Creek	Barker Creek Road Culvert (140 feet)***.	13
	Barker Creek Road Culvert (50 feet)*.	23
	Nels Nelson Road (100 feet)***.	46
	Nels Nelson Road (100 feet)*.	54
Clear Creek	County Bridge (Myhre Road) (10 feet)*.	24
	New State Route 3 (100 feet)*.	41
No Name Creek No. 7	Scheid Road**	41
	Clear Creek Road (50 feet)***.	69
Dogfish Creek	State Highway 305 (50 feet)***.	16
	State Highway 305 (70 feet)*	29
	Little Valley Road (25 feet)***.	34
	Little Valley Road (25 feet)*	40
East Fork Dogfish Creek.	Little Valley Road (15 feet)*	36
Union River	Private Bridge (4.55 miles above mouth) (10 feet)*.	135
	Old Navy Yard Way (50 feet)*.	173
East Fork Union River	Confluence with Union River	146
	Old Navy Yard Way Extended (50 feet)*.	222
No Name Creek No. 3	Confluence with Union River	175
	Wilkinson Road (40 feet)***	195
	Wilkinson Road (10 feet)*	202
Hazel Creek	Minard Road (15 feet)*	216
Tahuya Lake	600 feet south of intersection of Gold Creek Road and Kings Way.	593
Wye Lake	300 feet west of intersection of Wye Lake Boulevard and Sylvan Street.	305
Wildcat Lake	1500 feet north of intersection of Wildcat Lake Road and Thayer Road.	380
Long Lake	1200 feet northeast of intersection of Dorman Drive and Mullenix Road.	
Island Lake	300 feet east of intersection of Carey Street and Island Lake Road.	219
Panther Lake	County Limits between Kitsap and Mason Counties.	600
Hood Canal	Western Coastal areas of Kitsap County.	10
Puget Sound	Northern and eastern coastal areas of Kitsap County.	10

*Upstream From Centerline
**Centerline
***Downstream From Centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1968 (33 FR 17804, November 28, 1968), as amended; [42 U.S.C. 4001–4128]; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18893 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5563]

Proposed Flood Elevation Determinations for the City of Middleton, Dane County, Wis., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Middleton, Dane County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 7426 Hubbard Avenue, Middleton, Wisconsin. Send comments to: Honorable Dan Ramsey, Mayor, City of Middleton, City Hall, 7426 Hubbard Avenue, Middleton, Wisconsin 53562.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Middleton, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pheasant Branch	County Truck Highway M (25 feet)*	856
	Century Avenue (County Truck Highway M) (25 feet)*	876
	Park Street (60 feet)**	832
	Park Street (180 feet)*	900
	U.S. Highway 12 (105 feet)*	916

*Upstream from centerline.
**Downstream from centerline.

Source of flooding	Location	Depth in feet above ground
Pheasant Branch	1500 feet northwest of intersection of Airport Road and Atom Road.	2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-18894 Filed 6-18-79; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

[LR-120-79]

Exemption from Motor Fuels Excise Taxes for certain Alcohol Fuels

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this Federal Register, the Internal Revenue Service is issuing a temporary regulation regarding the exemption from motor fuels excise taxes for certain alcohol fuels. The temporary regulation also serves as a notice of proposed rulemaking for final excise tax regulations.

DATES: The temporary regulation applies generally to sales after December 31, 1978, and prior to October 1, 1984. The proposed regulations are to be effective for the same period. Written comments and requests for public hearing must be delivered or mailed by August 20, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T LR–120–79, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Robert H. Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3328 not a toll-free call.

SUPPLEMENTARY INFORMATION: The temporary regulation in the Rules and Regulations portion of this issue of the Federal Register amends 26 CFR Part 138. The final regulations which are proposed to be based on the temporary regulation would amend 26 CFR Part 48. For the text of the temporary regulation, See FR Doc. 79–19025 (T.D. 7629) published in the Rules and Regulations portion of this issue of the Federal Register.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-19029 Filed 6-14-79; 2:48 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 41]

[DoD Directive 1332.14]

Enlisted Administrative Separations

AGENCY: Office of the Secretary of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of Defense proposes to revise its directive governing enlisted administrative separations. This proposal delegates authority to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). It provides for the discharge of individuals who are not determined to be mobilization assets. It adds a new category that provides for uncharacterized service when a member's term of service has been of insufficient length to warrant characterization or in unusual circumstances, on a casy-by-case basis, as determined by the Secretary of a Military Department. It requires qualified military counsel, when reasonably available, in all instances where counsel is to be consulted or provided, and it adds other administrative due process entitlements. The revision provides for the honorable characterization of service for those discharged or released from active duty for expiration of service, convenience of the Government and unsuitability reasons.

DATES: Written comments must be received by July 19, 1979.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), the Pentagon, Room 3C980, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: LTC Gary A. Johnson, USAF, telephone 202-697-9525.

SUPPLEMENTARY INFORMATION: In FR Doc. 76-6104 appearing in the Federal Register on March 3, 1976 (41 FR 9088), the Office of the Secretary of Defense published a revision to this part (DoD Directive 1332.14). The directive was again revised effective December 29, 1976. This proposed rule further modifies Part 41. Although this part pertains solely to agency management and personnel, thus obviating the requirement under 32 CFR Part 296 (1976) for notice and public comment, the proposed rule nontheless is set forth herein to obtain the views of the public.

Specific Modifications

Certain modifications have been made to the marginal performer program. Discharge processing is required for cases involving homosexuality and other aberrant sexual acts when probable cause exists for determining the allegations to be valid. The proposal permits only a General discharge or a Discharge Under Other than Honorable Conditions when there is a discharge by reason of misconduct or discharge in lieu of court-martial. If the appropriate authority determines that the overall record of the member clearly warrants an honorable separation, the member may be separated for unsuitability in mitigated or extenuated cases of misconduct.

New Notification Procedures

New notification procedures are prescribed for those individuals who are unable or unwilling to meet an administrative discharge board proceeding. This proposal was drafted following receipt of comments from the Military Departments, the U.S. Coast Guard, and the Veterans Administration. Nothing in this proposal has express retroactive application to individuals previously separated or discharged from military service.

Accordingly, it is proposed to revise 32 CFR Part 41 reading as follows:

PART 41—ENLISTED ADMINISTRATIVE SEPARATIONS

Sec.

41.1 Reissuance and purpose.
41.2 Applicability and scope.
41.3 Definitions.
41.4 Policy.
41.5 Responsibilities.
41.6 Characterization of service.
41.7 Reasons for and characterization of service.
41.8 Authority and procedures for separation.
41.9 Suspension of Executive of approved separation.
41.10 Effective date and implementation.

Authority: Title 10, U.S.C. 1162, 1163, 1169, 1170, 1172, and 1173.

§ 41.1 Reissuance and purpose.

This part updates the policies, standards, and procedures which govern the administrative separation of enlisted persons from the Military Services; and implements various provisions of Title 10, U.S.C.

§ 41.2 Applicability and scope.

The provisions of this part apply to the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps, and, by agreement with the Secretary of Transportation, to the Coast Guard. When the terms "military Services or Military Departments" are used in this part, the Coast Guard is included.

§ 41.3 Definitions.

(a) *Member.* An enlisted man or woman of the Military Services.

(b) *Discharge.* Complete severance from all military status.

(c) *Release from Active Duty.* Termination of active duty status and transfer or reversion to a Reserve Component not on active duty, including transfer to the Individual Ready Reserve (IRR).

(d) *Separation.* A general term which includes discharge or release from active duty.

(e) *Administrative Separation.* Discharge or release from active duty upon expiration of enlistment or required period of service or in any other lawful manner, but specifically excluding separation by sentence of court-martial.

(f) *Military Record.* An individual's behavior while a member of a Military Service, including general comportment and performance of duty.

(g) *Administrative Discharge Board.* A board appointed to render findings on a case and to recommend retention in the Service or separation with or without probation, specifying the reason for separation and character of service to be assigned (see § 41.8, paragraph (f) and § 41.9).

(h) *Separation Authority.* An official authorized by a Military Service to take final action with respect to specified types of separation.

(i) *Respondent.* A member of a Military Service who has been notified that action has been initiated to separate the member under a specified Service regulation.

(j) *Counsel.* A lawyer, within the meaning of the Uniform Code of Military Justice (UCMJ), 10 U.S.C. Section 827(b), Article 27(b) (1976) or a civilian attorney employed at the member's expense.

(k) *Minority Group.* A segment of the population that possesses common traits, which are transmissible by descent or common characteristics and a cultural heritage signicantly different from that of the general population. Such groups include, but are not limited to, blacks, American Indians, Asian or Pacific Islanders, Alaskan Natives, and Hispanic Americans.

§ 41.4 Policy.

(a) Military Departments have the authority to separate from the Service enlisted members with an appropriate characterization of service. Such

members will be separated in accordance with the procedures set forth in this part.

(b) In determining whether a member should retain current military status or be administratively separated, the member's military record should be evaluated, including records of nonjudicial punishment imposed during a prior period of service, all records of conviction by court-martial, and any other factors which are material and relevant (refer to § 41.6).

(c) The Military Services may establish additional reasons for separation to meet their specific needs, subject to approval by the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) (ASD (MRA&L)).

(d) Standards and procedures for separation and retention are prescribed in §§ 41.6 through 41.9.

(e) Except for those members whose quality of service has been determined to warrant that they be discharged under other than honorable conditions, personnel released from active duty under the provisions of this part and determined to be mobilization assets may be retained in the Ready Reserve of their respective Military Service to fulfill their total military obligation. Such action is in accordance with Title 10, United States Code, Section 651, and may be accomplished under standards and conditions established by the respective Military Service.

§ 41.5 Responsibilities.

(a) Each of the Military Services shall:

(1) Prescribe appropriate internal procedures for periodic explanation to enlisted members of the types of discharges, the basis for their issuance, and the possible effects of various discharges upon reenlistment, civilian employment, veterans' benefits, and related matters. As a minimum, such explanation shall take place each time the Articles of the Uniform Code of Military Justice (UCMJ) are explained, pursuant to 10 United States Code, Section 937. The requirement that the effects of the various types of discharges be explained to military personnel does not create a procedural right, but establishes a command responsibility to publicize the effects. Failure on the part of the member to receive or to understand such explanation shall not create a defense to effecting a discharge nor a legal basis for review of the effectiveness of the discharge.

(2) Ensure that information concerning the purpose and scope of the Discharge Review Board and the Board for Correction of Military/Naval Records, established pursuant to Title 10, United States Code, Sections 1552 and 1553, and DoD Directive 1332.28, "Discharge Review Board (DRB) Procedures and Standards," March 28, 1978, is explained during the separation processing of all members. Specific counseling is required concerning Pub. L. 95-126 which states that a discharge under other than honorable conditions, resulting from a period of continuous, unauthorized absence of 180 days or more, is a conditional bar to benefits of the Veterans Administration. Such counseling may be given orally, but a written fact sheet or similar document is preferred.

(b) The ASD (MRA&L) is delegated the authority to modify or supplement this part in a manner consistent with the general policies set forth herein.

§ 41.6 Characterization of Service.

(a) *Guidelines.* Standards of acceptable personnel conduct and peformance of duty for military personnel are found in the UCMJ and the Service regulations, and embody time-honored customs and traditions of the Military Services. Due consideration must be given to the member's age, length of service, grade, and general aptitude when determining the reason for separation and the characterization of service, consistent with the following:

(1) *Honorable.* Honorable service is the standard against which a servicemember's performance is compared. It encompasses a wide and variable range of related attributes, such as courage, fidelity, honesty, trustworthiness, and effectiveness as measured while a member of the Military Service. These attributes are reflected in the member's military record, including the reason for separation. A member will not necessarily be denied an honorable characterization solely by reason of a specific number of convictions by courts-martial or actions involving nonjudicial punishment under Article 15 of the UCMJ during the member's current enlistment period of obligated services.

(2) *General (Under Honorable Conditions).* Such a characterization is appropriate when a member's military record, including the reason for separation, is not sufficiently meritorious to warrant an honorable characterization, but not so unsatisfactory as to warrant an other than honorable characterization of service.

(3) *Under Other Than Honorable Conditions.* Such a characterization is appropriate when a member's military record, including the reason for separation, indicates the person has performed or conducted himself or herself in an unsatisfactory manner, and a higher characterization of service is not warranted. Such a member will be discharged for: Misconduct or security reasons, when based on the approval of a recommendation of an administrative discharge board or waiver of the right to board action; or resignation or request for discharge for the good of the Service in lieu of court-martial.

(i) No member shall be discharged under other than honorable conditions if the grounds for such action are based wholly or in part upon acts or omissions for which the member has been previously tried by court-martial resulting in acquittal or action having the effect thereof, except when such acquittal or equivalent disposition is based on a ruling not going to the merits of the case.

(ii) No member shall be discharged under other than honorable conditions unless the member is afforded the right to present his or her case before an administrative discharge board, with the advice and assistance of counsel, and unless such discharge is supported by approved board findings and an approved board recommendation for such a discharge. As exceptions, a discharge under other than honorable conditions may be issued without board action if the member (A) is beyond military control by reason of unauthorized absence for a period of one year or more, subject to the limitations of Title 10, United States Code, Section 1163 (1976) (members of a Reserve Component) (See § 41.8); (B) resigns or requests discharge for the good of the Service and in lieu of court-martial; or (C) waives his or her right to board action.

(b) *Special Consideration.* (1) Uncharacterized service is appropriate when a member's term of military service has been of insufficient length to warrant characterization. Notwithstanding any other provision within this part, an administrative separation of any member, who is separated during initial entry training (e.g.; recruit, basic, one-station unit) and has less than 180 days of continuous active service in the current enlistment, will be uncharacterized unless the member is separated by reason of misconduct or disability. Such a determination may also be directed, on a case-by-case basis, by the Secretary concerned, when unusual circumstances indicate an inconsistency with the concept of characterization.

(2) Except as indicated below, the characterization of service of the current enlistment or period of service will be determined solely by the member's military record and reason for separation during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Military Service concerned, or effected with the consent of the member. The following shall not be considered:

(i) Prior service activities, including but not limited to records of conviction by courts-martial, records of non-judicial punishments, records of absence without leave, or commission of other offenses for which punishment was not imposed.

(ii) Preservice activities, except that in cases involving separations for fraudulent or erroneous enlistments, consideration may be given to omission of facts which, if known, would have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction from active duty under the provisions of this part, a member shall be provided a separation document reflecting the period of service concerned, in accordance with DoD Instruction 1336.1, "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," December 14, 1978. Upon request, the member will also be provided written evidence of the characterization of service, if applicable. In the case of an honorable discharge, an Honorable Discharge Certificate (DD Form 256) will be awarded. Characterization of service upon completion of total military obligation will normally be the same as the characterization assigned upon release from active duty, unless other circumstances justify a different characterization. The General Discharge Certificate (DD Form 257) and the Under Other Than Honorable Conditions Discharge Certificate (DD Form 794) will only be issued in cases involving members discharged from a Reserve Component.

§ 41.7 Reasons for and characterization of separations.

(a) *Expiration of enlistment or fulfillment of service obligation.* A member separated by reason of expiration of the term of obligated service will be assigned an Honorable characterization. For purposes of this paragraph, when individuals serving outside the continental United States (CONUS) or non-CONUS residents serving outside their state/territory, and the separation takes place not more than 30 days before the end of a given enlistment, expiration of enlistment will be considered to have occurred. Where the reason for separation is other than for expiration of enlistment, this provision does not apply.

(b) *Convenience of the Government.* A member separated by reason of the convenience of the Government will be assigned an Honorable characterization. Separation by reason of the convenience of the Government may be effected for such reason as may be prescribed by the Secretary of the Military Department concerned and will include the following:

(1) General demobilization, reduction in authorized strength, or an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a commission, appointment or acceptance into a program leading to a commission, or appointment in any branch of the Military Services for active duty only.

(3) Immediate enlistment or reenlistment.

(4) Erroneous induction, enlistment, extension of enlistment, these reasons include enlistments that would not have occurred had the truth been known to the Government or had appropriate directives been followed.

(5) Early separation of personnel under various, authorized programs or circumstances as established by the Military Departments and approved by, the ASD(MRA&L) (see § 41.4, paragraph (c)).

(6) Pregnancy or childbirth involving women members, upon the request of the member, unless the Secretary of the Military Department determines that retention is in the best interest of the Service.

(7) Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment resulting from parenthood.

(8) Conscientious objection in accordance with DoD Directive 1300.6, "Conscientious Objectors," August 20, 1971.

(9) Sole surviving son/daughter and certain family members in accordance with DoD Directive 1315.14, "Special Assignment and Discharge Policies for Family Members," July 5, 1974.

(10) Physical or mental condition, not a disability, which interferes with assignment to and/or performance of duty, including but not limited to chronic seasickness, airsickness, enuresis, and sexual change.

(11)Marginal performance program.

(i) Application of this provision is limited to members meeting the following criteria:

(A) Members separated under this program must be assigned to: (1) Basic, recruit or one-station unit training and have less than 180 days of continuous active service in the current enlistment; (2) initial skill training immediately following basic/recruit training; or (3) an organizational unit for an appropriate period of evaluation, as determined by the Secretary of the Military department concerned, but for not less than 60 days.

(B) The members considered must be in their initial enlistment in that particular Military Service; serving in pay grade E–3 or below; and have less than two years of active service in their current enlistment.

(C) The member must be medically qualified for separation.

(D) The member must have completed any unsuspended disciplinary punishment and not have received more than a combination of three Article 15, UCMJ, punishments or convictions by courts-martial following completion of basic, recruit, or one-station unit training.

(E) The member must not be awaiting disciplinary action under the USMJ or have pending an unexecuted or a suspended discharge.

(ii) A marginal performer is identified by reason of the member's:

(A) Failure to attain or maintain required job skill proficiency, either by associated inaptitude or lack of reasonable effort; or

(B) Presence creating an administration burden to the command due to repeated minor military or disciplinary infractions; or

(C) Performance which has not contributed to unit readiness and mission accomplishment as evidenced by below average ratings or demonstrated incapacity to meet performance standards.

(iii) As a minimum, the Military Services will establish procedures requiring formal counseling and documentation concerning deficiencies, and affording an individual a reasonable opportunity to overcome them prior to initiating separation action. In addition, a member separated under this provision will be given an opportunity to consult with counsel, if reasonably available.

(c) *Dependency or Hardship.* A member separated by reason of dependency or hardship will be assigned an Honorable characterization.

(1) Separation may be directed when genuine dependency or undue hardship exists, and

(i) The hardship or dependency is not of a temporary nature;

(ii) Conditions have arisen or have been aggravated to an excessive degree since entry into the Service and the

member has made every reasonable effort to remedy the situation;

(iii) The separation will eliminate or materially alleviate the condition; and

(iv) There are no means of alleviation readily available other than the separation.

(2) Undue harship does not necessarily exist solely because of altered present or expected income or because of separation from the member's family that causes the inconveniences incident to Military Service.

(d) *Minority.* A member who is under age 17 at the time the member's minority is discovered shall be processed in accordance with paragraph (e) of this section. Where the member has attained age 17 prior to the discovery of this defect, the member shall be discharged with an Honorable characterization upon application by the member's parent or guardian made to the separation authority within 90 days after the member's enlistment where:

(1) There is evidence satisfactory to the separation authority that the member is under 18 years of age; and

(2) The member enlisted without the written consent of the member's parent or guardian, if the member was not emancipated and is under the control of his or her parent or guardian.

(e) *Void/Voidable Enlistments.* (1) In those cases in which an enlistment is administratively determined to be void, the individual will be released from military control. Such individuals will be issued a DD Form 214, Certificate of Release or Discharge from Active Duty, to allow them to account for periods under military control, but that document will not constitute a discharge and will not contain a characterization of service. If otherwise eligible, an individual so released may be permitted to enter a new enlistment.

(2) In those cases in which the enlistment is voidable only at the option of the Military Service, the individual may be:

(i) Retained, with or without the individual's consent.

(ii) Released from military control, as provided in paragraph (e)(1) of this section or

(iii) Discharged in accordance with erroneous or fradulent enlistment provisions specified elsewhere herein.

(3) In those cases in which the enlistment is voidable at the option of either the individual or the Military Service, the individual may be released from Military control or discharged as provided above, regardless of which party elects to terminate the enlistment. In addition, under such regulations as the Military Service may prescribe, the individual may be retained if the disqualification is no longer present and both the individual and Military Service consent in writing.

(f) *Disability.* A member separated by reason of disability will be discharged with an Honorable characterization. Disability exists when it has been determined that a member is physically unfit to perform the duties of the member's office, rank, grade, or rating, and is not entitled to retirement under the provisions of Title 10, United States Code, chapter 61.

(g) *Personal Abuse of Drugs Other than Alcoholic Beverages.* (1) A member separated for this reason will be discharged with an Honorable — discharge, when based on evidence developed as a direct or indirect result of a test administered for identification of drug abusers, or by a member's volunteering for treatment for a drug problem under the Drug Identification and Treatment Program administered by his or her particular Armed Force.

(2) A member may not be separated under this provision unless:

(i) The member's military record indicates a lack of potential for continued military service; or

(ii) Long-term rehabilitation is determined necessary and the member is transferred to a Veterans' Administration or civilian medical facility for rehabilitation; or(iii) The member has failed, through inability or refusal, to participate in, cooperate in, or complete a drug abuse treatment and rehabilitation program.

(3) A member separated under this provision will be given an opportunity to consult with counsel, if reasonably available.

Note.—It is essential to assure compliance with both the letter and spirit of the decision of the Court of Military Appeals in *United States* v. *Ruiz*, 23 C.M.A. 181, 48 C.M.R. 797 (1974). Care should be exercised to assure that a member identified for separation under this provision is not discharged with less than an Honorable discharge, based on some separate and distinct reason for discharge, unless it can be demonstrated that evidence of drug use obtained through the identification process described herein was not directly or indirectly utilized in establishing such separate and distinct reason.

(h) *Unsuitability.* A member separated from active duty or from Reserve status by reason of unsuitability will be assigned an Honorable characterization when it has been determined that the individual is not currently suitable for further Military Service. Factors considered under this category are normally of a nonvoluntary nature, apparently beyond the control of the member, which make retention incompatible with the best interest of the Military Services. Where military/disciplinary infractions are involved, the member should be considered for processing for misconduct.

Administrative separation action under paragraphs(h)(2), (5), (6), and (7), of this section, will not normally be initiated until a member has been formally counseled concerning deficiencies and afforded a reasonable opportunity to overcome them as reflected in appropriate counseling records. Unsuitability is evidenced by one or more of the following:

(1) Personality Disorder: As determined by a medical officer or contract physician (preferably a psychiatrist) or clinical psychologist and described in the *diagnostic and Statistical Manual (DSM–11) of mental Disorders*, American Psychiatric Association [1] which interferes with the member's ability to perform adequately. Combat exhaustion and other acute situational maladjustments are exceptions.

(2) Alcohol Abuse. A member who has been involved in alcohol-related incidents and who is offered but fails through inability or refusal to participate or cooperate in or complete an alcohol abuse treatment and rehabilitation program.

(3) Homosexual act (s) not falling within the purview of paragraph (j)(6) (including act(s) prior to the current period of service) and homosexual tendencies. Because anyform of homosexuality is incompatible with military service, discharge processing will be initiated when competent authority believes there is probable cause for determining that a valid basis exists for the allegations.

(4) Other aberrant sexual acts including, but not limited to, marriage between personnel of the same sex, voyeurism, and transvestism. Because aberrant sexual tendencies such as these are incompatible with Military Service, discharge processing will be initiated when competent authority believes there is probable cause for determining that valid basis exists for the allegations.

(5) Apathy, defective attitude, and inability to expend effort constructively that is a significant observable defect.

[1] Section on mental disorders. International Classification of Diseases and Injuries—8, *Diagnostic and Statistical Manual (DSM–11) of Mental Disorders*, 2nd Edition, Committee on Nomenclature and Statistics, American Psychiatric Association, Washington, D.C., 1968

(6) Inaptitude, which is a lack of general adaptability, want of readiness of skill, unhandiness, or inability to learn.

(7) Financial irresponsibility, which involves a failure to resolve satisfactorily indebtedness matters in a proper and timely manner.

(8) Mitigated or extenuated cases of misconduct. If in a separation proceeding for misconduct (paragraph (j) of this section), an Administrative Discharge Board or Separation Authority determines the overall record clearly warrants an Honorable or General Characterization, the servicemember may be processed on a case-by-case basis under this paragraph for unsuitability, subject to approval of the general court-martial authority concerned, or of such other authority designated Military Department concerned.

(i) *Security.* Members separated by reason of security will be discharged with an appropriate characterization and under conditions and procedures established by the Secretary of Defense, as set forth in DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956, and similar Directives applicable to the Coast Guard, when retention is clearly inconsistent with the interest of national security.

(j) *Misconduct.* Members discharged by reason of misconduct, except as provided in paragraph (j) (11) of this section will be given a General discharge or a discharge under other than honorable conditions as the particular circumstances in a given case warrant. Administrative discharge action under paragraphs (j)(1) through (5) and (11) of this section will not normally be initiated until a member has been formally counseled concerning deficiencies and afforded a reasonable opportunity to overcome them. Such counseling will be recorded and included in the record of the discharge action. Discharge for misconduct is appropriate when it has been determined that an individual is unqualified for further military service because the member's military record in the current enlistment or period of obligated service evidences one or more of the following patterns of conduct, acts, conditions:

(1) Serious or frequent involvement of a discreditable nature with civil or military authorities. Serious involvement is participation in an offense which, under the UCMJ, is punishable by a punitive discharge.

(2) An established pattern of shirking, which is the deliberate evasion of duty.

(3) An established pattern showing dishonorable failure to pay just debts.

(4) An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgements of a civil court concerning support of dependents.

(5) Drug abuse, which is the illegal or wrongful introduction into a military reservation, or the improper, illegal, or wrongrful use, possession, sale, transfer, of any narcotic substance, intoxicating inhaled substance, marijuana, or controlled substance, as established by Title 21, United States Code, Section 812, "Schedule of Controlled Substances Establishment," when supported by evidence not attributed to a urinalysis test administered for identification of drug abusers or to a member's volunteering for treatment under the drug identification and treatment program administered by his/her particular Military Service, or where otherwise exempted in paragraph (g) of this section.

(6) Sexual deviation, including but not limited to:

(i) Sodomy

(ii) Lewd and lascivious act(s).

(iii) Indecent exposure.

(iv) Indecent act(s) with or assault upon a child under the age of 16 years.

(v) Aggravated in-service homosexual act(s), to include:

(A) The attempt, solicitation, or accomplishment of a homosexual act with a child under the age of 16 years, regardless of the cooperation of the child.

(B) The attempt, solicitation, or accomplishment of a homosexual act accompanied by assault or coercion so that one party involved did not willingly cooperate or consent, or where the consent or cooperation was obtained through force, fraud, or intimidation. Because such acts are incompatible with military service, discharge processing will be initiated when competent authority believes there is probable cause for determining that a valid basis exists for the allegations.

(7) Prostitution, which is the act of a male or female engaging in sexual activity for which payment is received.

(8) Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the UCMJ (Title 10, United States Code) is death or confinement for one year or more; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender, or is placed on probation, or punished in any way, as the result of an offense involving moral turpitude. If the offense is not listed in the *Manual for Courts-Martial,* 1969 (Rev.), Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishment authorized by the United States Codes, whichever is lesser, applies. A member is subject to discharge although he or she has filed an appeal or stated his or her intention to do so. However, it will be the general policy to withhold the execution of the approved discharge pending outcome of the appeal. If the execution of the discharge is considered appropriate without waiting for final action on the appeal, the member may be discharged upon the direction of the Secretary concerned or if the member requests such discharge.

(9) Procurement of a fraudulent enlistment, induction, or period or active service through any deliberate material misrepresentation, omission, or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation as to age without proper consent will not, in itself, be considered as fradulent enlistment (see paragraph (d) of this section). Where there is no court-martial jurisdiction over the member because of the manner in which the individual's enlistment was effected, the individual may be processed for separation in accordance with paragraph (e) of this section.

(10) Prolonged, unauthorized absence, continuous for one year or more.

(11) Unsatisfactory participation in a unit of the Ready Reserve as defined in DoD Directive 1215.13, "Unsatisfactory Performance of Ready Reserve Obligation," May ——1979, (see § 41.8, (d)(2)(iii)).

(k) *Resignation or Request for Discharge for the Good of the Service and in Lieu of Court-Martial.* Discharge under other than honorable conditions or a General discharge is authorized subject to procedures and safeguards specified in § 41.8, paragraph (g), upon resignation or request for discharge, where conduct has rendered a member triable by court-martial for an offense punishable by a punitive discharge. (The provisions of the Table of Maximum Punishments, Section B, paragraph 127c, *Manual for Courts-Martial,* 1969 (Rev.), are not applicable to requests for discharge pursuant to this paragraph.)

(l) *Secretarial Plenary Authority.* Notwithstanding the specific provisions of this or any other Directive, the Secretary concerned may direct the separation of any member with an Honorable or General characterization

or with no characterization prior to the expiration of term of service, after determining it to be in the best interests of that Department

§ 41.8 Authority and procedures for separation.

(a) *Convenience of the Government.* A separation with an Honorable characterization may be approved by the member's commanding officer or higher authority when it has been determined that the member merits separation. A member recommended for separation under § 41.7, paragraph (11) shall be afforded the opportunity to consult with counsel if reasonably available and to make a statement in the member's own behalf or to decline the opportunity in writing. If such a statement is made by the member, a staff judge advocate or legal assistant must review it prior to submitting the case to the separation authority.

(b) *Unsuitability.* A separation with an Honorable characterization may be approved by the commander with special court-martial jurisdiction or higher authority. A determination to approve the separation of an individual for unsuitability must be supported by a preponderance of the evidence, meaning that the evidence is of greater weight or more convincing than that which is offered in opposition to it.

(1) A member in pay grade E–3 or below with less than five years of total active and/or Reserve military service shall be notified in writing of the proposed action and shall be afforded an opportunity to consult with counsel, if reasonably available, and to make a statement in the member's own behalf or to decline the opportunity in writing. If such a statement is made by the member, a staff judge advocate or legal assistant must review it prior to submitting the case to the separation authority.

(2) A member in pay grade E–4 or higher or a member with five or more years of total active and Reserve military service shall be separated by reason of unsuitability only in accordance with the safeguards and procedures specified in paragraph (d)(2)(i) through (iii) of this section.

(c) *Other Reasons for Honorable Separations.* A separation with an Honorable characterization may be approved by the member's commanding officer or higher authority when it has been determined that the member merits separation because of expiration of enlistment or fulfillment of service obligation, dependency or hardship, minority, disability, void and voidable enlistment, and personal abuse of drugs other than alcoholic beverages. A member recommended for separation under § 41.7, paragraph (g) shall be afforded the opportunity to consult with counsel if reasonably available and to make a statement in the member's own behalf or to decline the opportunity in writing. If such a statement is made by the member, a staff judge advocate or legal assistant must review it prior to submitting the case to the separation authority.

(d) *Misconduct.* A General discharge or a discharge under other than honorable conditions is authorized. A determination of processing for misconduct must be supported by a preponderance of the evidence.

(1) Separation Authority.

(i) A General discharge may be approved by a commander with special court-martial jurisdiction or higher authority, only after consultation with the staff judge advocate or legal assistant with respect to the legal sufficiency of the proceedings.

(ii) A discharge under other than honorable conditions may be approved by a commander with general court-martial jurisdiction or higher authority, only after consultation with the staff judge advocate or legal assistant with respect to the legal sufficiency of the procedures. This authority may be delegated to a general or flag officer in command who has a judge advocate or law specialist on his or her staff for cases arising in that command. Every action taken pursuant to such delegation shall state the specific authority therefor.

(2) Safeguards and Procedures.

(i) A member who is under military control shall be notified in writing of the basis for the proposed discharge action, the provision mentioned in paragraph (e) of this section, and advised that the member has the right to:

(A) Present his or her case before an administrative discharge board.

(B) Be represented by counsel, as described in paragraph (f)(3)(i) of this section.

(C) Submit statements in the member's own behalf.

(D) Waive the above rights in writing. The member shall be given an opportunity to consult with counsel, prior to waiving such rights.

(ii) A member unable to appear in person before an administrative discharge board by reason of confinement by civil authorities will be so advised by certified mail (return receipt requested) and a receipt for certified mail (PS Form 3800) obtained. Such notification will include notice of the proposed discharge action, the most unfavorable type of characterization of service that may be assigned, and the fact that action has been suspended to give the member the opportunity to exercise the rights specified in paragraph (d)(2)(i)(A) through (D) of this section.

(iii) Any member of a Reserve Component not on active duty shall be entitled to basically the same rights as an active duty member.

(A) The notification letter to the individual will contain the following information:

( ) The proposed discharge action;
( ) The type of characterization of service that may be assigned or intent to transfer to the IRR, as appropriate;
( ) The probable characterization of service if certain conditions are not fulfilled following transfer to the IRR;
( ) The suspension of administrative discharge proceedings to give him or her the opportunity to exercise the rights specified in paragraph (d)(2)(i) of this section, and the opportunity to request appointment of a military counsel to represent the member or, in the member's absence, present the member's case before an administrative separation board; and
( ) The possible finalization of the proposed discharge action, if the member fails to respond within 45 days.

(B) When members of the Selected Reserve are notified of probable discharge action as a result of their unsatisfactory participation, reasonable effort should be made to furnish copies of such notification to the individual through personal contact by a member of the command and a written acknowledgement of receipt obtained. Where such efforts are unsuccessful, the notification will be mailed to the individual.

( ) In addition to the notification procedures specified in paragraph (d)(2)(iii)(A) of this section, the individual who mailed the notification will prepare a Sworn Affidavit of Service by Mail (see DoD Directive 1215.13, "Unsatisfactory Performance of Ready Reserve Obligation," ——— 1979), which will be inserted immediately, together with PS Form 3800, in the member's personnel file.
( ) Such notification shall be fully and sufficiently accomplished through the mailing of said notification to the member at the mailing address considered to be the most recent one furnished by the member as an address at or from which official mail will be received by or forwarded to the member.
( ) Provided the notification was properly and correctly mailed to the most recent address furnished by the member, absence of proof of delivery does not change the fact that the member was properly notified.

(iv) If a member waives his or her rights in any of the situations covered in paragraphs (d)(2)(i), (A) through (D), of

this section the separation authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge. If discharge is directed, the character of service will be specified except as provided in § 41.6.

(v) A member beyond military control by reason of unauthorized absence:

(A) May be discharged under other than honorable conditions *in absentia* under any of the following circumstances (see DoD Directive 1325.2, "Desertion and Unauthorized Absenteeism," February 10, 1977).

( ) When the prosecution of the member is apparently barred by statute of limitations, Title 10, United States Code, Section 843(1976). In those cases, a discharge under other than honorable conditions may be directed at any time it is determined that prosecution is so barred: *Provided,* That upon consideration of available extenuating, mitigating, and aggravating factors in each case, the separation authority determines that the best interests of the Military Services will be served by issuance of such discharge.

( ) When the member who is an alien has gone to a foreign country where the United States has no authority to apprehend such a member under a treaty or agreement.

( ) When the member has been absent for a period of 18 months or more (absent any other aggravated circumstances, such as commission of a serious crime), on a case-by-case basis, as determined by the Secretary concerned. *This provision will only be implemented upon further authorization by the Secretary or Deputy Secretary of Defense.*

(B) Shall be notified of the imminent discharge action and advised of his or her rights in accordance with paragraph (d)(2)(i) of this section. Such notification will be forwarded to the last known record address of the member, or next of kin, as appropriate.

(C) Shall be subject to the separation limitations of Title 10, United States Code, Section 1163, if a member of a Reserve component.

(e) *Unauthorized Absence When Involuntary Discharge is Pending.* Members who absent themselves without authority while being processed for involuntary discharge need not be returned to military control solely for execution of the discharge. Notwithstanding the provisions of paragraph (d)(2)(v) of this section, an approved administrative discharge may be executed if:

(1) Processing, at least insofar as the member's presence is required, was complete at the time the unauthorized absence began; and

(2) A commander with special court-martial jurisdiction determines that the member's return to military control for disposition of the unauthorized absence is not required.

(f) *Administrative Discharge Board.*— (1) *Composition.* Except as provided in paragraph (f)(1) (i) through (v) of this section, an administrative discharge board shall be comprised of at least 3 experienced commissioned officers, at least one of whom shall be serving in the grade of major/lieutenant commander or higher. The board may include a nonvoting recorder. A nonvoting legal advisor may be appointed to assist the board if authorized by the Secretary concerned. The following additional requirements apply:

(i) If the respondent is a member of a Regular Component, the respondent may request in writing that an enlisted member be appointed to sit as a member of the board. All enlisted personnel appointed as members shall be serving in pay grade E–7 or above and shall be senior to the respondent. This provision does not apply to reservists. See Title 10, United States Code, Section 1163 (1976).

(ii) If the respondent is an enlisted member of a Reserve Component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers, if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.

(iii) The board shall include at least one voting member, of the same sex as the respondent, if requested in writing by the respondent and reasonably available.

(iv) If the respondent is a member of a minority group, the board shall, upon the written request of the respondent, include as a voting member a minority group member, if such person is available. When requested, the appointed board member should normally be of the same minority as the respondent; however, nonavailability of a member of the same minority group shall not preclude convening the board. In the event of nonavailability, the reason shall be stated in the record of proceedings.

(v) A respondent who asks for special representation on the board in accordance with paragraphs (g)(1)(iii) and (iv), of this section shall not as a matter of right be entitled to a representative from each such category. The respondent shall elect, in writing, the category from which the special representative is preferred. In all cases, the majority of the board must be comprised of commissioned or warrant officers.

(2) *Procedures.* The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, reasonable restrictions as to relevancy and competency of matters considered may be imposed. When the board meets in closed session, only voting members shall be present. The proceedings of the board shall be kept as prescribed by the Secretary of the Military Department concerned but, as a minimum shall contain a verbatim record of the findings and recommendations. The findings of the board must be supported by a preponderance of the evidence. Based upon the findings, the board shall recommend one of the following:

(i) Retention.

(ii) Discharge for a specified reason with the appropriate characterization of service, according to the applicable Service regulations implementing this part.

(iii) Discharge in accordance with the above paragraph, but with the discharge suspended and the member placed on probation for a period of not less than six months or more than one year, except that the expiration of the respondent's enlistment or any extension thereto shall automatically terminate any probationary period.

(3) *Rights of the Respondent.* A respondent has the following rights:

(i) Counsel.

(A) As defined in § 41.3, counsel shall be appointed to represent the respondent during the course of the proceedings.

(B) The respondent may be represented by military counsel of the member's own choice provided that the requested counsel is available as determined under regulations of the Military Service concerned. If requested counsel is made available to represent the respondent, detailed military counsel shall be relieved.

(C) The respondent may employ a civilian attorney at the member's own expense. A respondent who retains a civilian attorney is not entitled to request military counsel of the member's own choice. However, appointed military counsel will be made available to assist the civilian attorney.

(ii) The respondent may request the appearance before the board of any witness on active duty or civilian employee of the Department of Defense whose testimony is believed to be material to the respondent's case. Other civilians who agree to appear may be issued invitational travel orders in appropriate cases (see paragraph

C6000.11, Joint Travel Regulations). Members of the Reserve Components may testify, either in an active duty or drill status. The respondent or his or her counsel will address the request in writing to the recorder or legal advisor where applicable, or in the absence of a recorder or legal advisor to the convening authority. Such request will state the reason for the personal appearance. If the recorder or legal advisor where applicable, denies the request, the matter will be forwarded to the convening authority. The convening authority, in his or her sole discretion, will determine whether the witness' testimony is material and whether the personal appearance is necessary. If the convening authority determines that the personal testimony of the witness is necessary and material, the hearing will be postponed or continued to permit attendance of the witness. If the separation authority determines that the personal testimony of the witness is not necessary or if the witness commanding officer determines that military necessity precludes the witness attendance at the hearing, the hearing shall be continued or postponed to provide the respondent with the opportunity to obtain a written statement from the requested witness within a reasonable time period determined by the convening authority. The respondent and the respondent's counsel may question any witness who appears before the board. Nothing in this paragraph is intended to preclude the respondent from arranging for the attendance of nonactive duty witnesses at the member's own expense.

(iii) The respondent may, at any time before the board convenes or during the proceedings, submit any answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes, but is not limited to, depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

(iv) The respondent may or may not submit to examination by the board. The provisions of Title 10, United States Code, Section 831, Article 31 apply.

(v) The respondent may challenge any voting member of the board for cause only.

(vi) Failure of the respondent to assert any of these rights after being apprised of them, cannot be considered as a bar to the board proceedings, findings, and recommendations.

(4) *Actions by Separation Authority.* Upon receipt of the record of board proceedings and a review of his or her staff judge advocate's or legal assistant's opinion regarding legal sufficiency:

(i) The separation authority may:

(A) Approve the board's recommendations and direct their execution.

(B) Approve the board's recommendations with the following modifications including any combination thereof:

( ) Suspended execution for a specified period of probation.

( ) Change the characterization of service to a more favorable one.

( ) Change the basis for discharge when the record indicates such action would be appropriate.

(C) Disapprove the findings or the recommendation for discharge and retain the member in the service.

(D) Disapprove the findings and recommendation and refer the case to a new board if the separation authority (*1*) finds legal prejudice to the substantial rights of the respondent or (*2*) if the findings of the previous board are determined to have been obtained by fraud or collusion. No member of the new board shall have served on a prior board which considered the same matter. The record of the proceedings of the earlier board, minus the findings, recommendations, and prejudicial matter, may be furnished the successor board. The separation authority shall not approve findings and recommendations less favorable to the respondent than those rendered by the previous board unless fraud or collusion can be attributed to the respondent or individuals acting on his or her behalf.

(E) Recommend separation to the Secretary concerned, pursuant to § 41.6(b), in the event of a board recommendation for retention if he or she believes that separation is warranted by the circumstances of the particular case.

(ii) The separation authority may not:

(A) Downgrade the characterization of service.

(B) Designate misconduct as the basis when the board has recommended separation for unsuitability.

(C) Suspend execution in cases of fraudulent enlistment.

(D) Approve discharge without probation when the board recommends discharge with probation. In this case, only the general court-martial or higher authority may approve the discharge without probation.

(g) *Resignation or Request for Discharge for the Good of the Service and in Lieu of Court-Martial.* A member may be issued a discharge under other than honorable conditions without board action, provided he or she has been afforded the opportunity to consult with counsel and certifies in writing that he or she (1) understands the elements of the offesne for which being charged; (2) acknowledges guilt of the offense or any lesser offense, for which a punitive discharge is authorized; (3) understands that he or she will receive a discharge under other than honorable conditions unless the discharge authority finds mitigating circumstances warranting the issuance of a discharge under honorable conditions; and (4) understands the adverse nature of such a characterization and possible consequences thereof. Such a discharge will be approved by a commander exercising general court-martial jurisdiction or higher authority.

(h) *Conditional Waiver.* Use of a conditional waiver, as described below, is authorized at the discretion of the Military Departments. A conditional waiver is a statement initiated by a member waiving those rights associated with administrative separation board proceedings contingent upon receiving a characterization of military service higher than the least characterization authorized for issuance for the specific reason of separation in the member's situation. If such a statement of waiver is accepted, the particular circumstances of the member's military service warranting the higher characterization will be specifically identified by the member's commanding officer, or higher authority, in the separation correspondence to be filed in the member's military personnel record. A member may not waive rights contingent on receiving a separation with service uncharacterized.

§ 41.9 Suspension of execution of approved separation.

Except in the case of fraudulent enlistment, the separation or higher authority may, prior to the expiration of the member's enlistment or period of obligated service, suspend execution of an approved separation for a specified period not to exceed 12 months, if the circumstances of the case indicate a reasonable prospect of rehabilitation. During the period of suspension, the member shall be afforded an opportunity to demonstrate that he or she is capable of behaving properly for an extended period under varying conditions and that the member can perform assigned duties efficiently.

(a) Upon satisfactory completion of the probationary period, execution of the approved separation will be canceled automatically.

(b) Additional misconduct on the part of the member during the probationary

period or actions which constitute substandard performance of duty or demonstrate characteristics of unsuitability may establish the basis for one of the following actions:

(1) Punitive or new administrative action may be initiated, notwithstanding the suspension of execution of the approved separation.

(2) Vacation of the suspension and execution of the discharge. Prior to such action, the member will be afforded the opportunity to make a written statement in rebuttal or explanation of the conduct which forms the basis to vacate the suspension. Where the member has absented himself or herself and is beyond military control for 15 or more days, the suspension may be vacated and the discharge executed without affording the member the opportunity to make a statement. However, the member will be advised of this provision in the document suspending the discharge, a copy of which will be provided to the member.

June 14, 1979.

H. E. Lofdahl,

Director, Correspondence and Directives.

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DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

[33 CFR Part 401]

Seaway Regulations; Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation.

ACTION: PROPOSED RULE.

SUMMARY: The Saint Lawrence Seaway Development Corporation and its counterpart agency, the St. Lawrence Seaway Authority of Canada, have completed their annual review of joint Seaway Regulations and have agreed that several sections are in need of revision. The Seaway Corporation therefore proposes to amend 33 CFR Part 401–Sub part A in order 1) to require certain new safety features and procedures, 2) to revise provisions concerning the transportation of hazardous cargo in accordance with the International Maritime Dangerous Goods Code as promulgated by the Intergovernmental Maritime Consultative Organization (IMCO), 3) to insure its consistency with actual operating procedures, and 4) to clarify several existing regulations.

DATES: Comments received by August 3, 1979 will be considered.

ADDRESSESS: Interested parties may submit written comments to the Saint Lawrence Seaway Development Corporation, P. O. Box 520, Massena, New York 13662 (Attn: General Counsel). Persons who want the receipt of their comments acknowledged in writing may submit a stamped, self-addressed postcard for this purpose.

FOR FURTHER INFORMATION CONTACT: Frederick A. Bush, General Counsel, (315) 764–0271, Ext. 245.

SUPPLEMENTARY INFORMATION: As indicated above, the Seaway Corporation and its counterpart agency, the Seaway Authority of Canada, have completed their annual review of the joint Seaway Regulations and propose to amend same for the reasons set forth in the summary. A slight reorganization of several sections is also being effected for clarity. Following is a summary and explanation of the changes proposed.

The Table of Contents will be amended to reflect changes in several section headings.

In § 401.2, a definition for "tanker" will be added. This is necessary as several of the sections included under the heading "Dangerous Cargo" are applicable to these vessels.

In § 401.3, paragraphs (b) and (d) will be amended to restrict vessel dimensions so as to protect bascule bridges which are located at several of the Seaway locks. These bridges, when fully raised, overhang the lock wall at a given point thereby limiting the height of the vessel above the water line measured at the vessel's side as well as the height of other structures which are located near the sides of the vessel, such as derricks, crosstrees, antennas, etc. A new Appendix I to the Seaway Regulations will illustrate the acceptable dimensions with respect to bascule bridges.

The present § 401.3(d) will be reworded to prohibit the discharge of any substance onto lock or tie-up walls and further will be redesignated as § 401.19(c).

The main text of § 401.5(b) will be relocated in substantially the same form to § 401.21 while its subparagraphs will be set forth in Schedule I. This change is designed to clearly indicate that the requirements contained therein apply only to the U.S. waters of the Seaway.

The heading to § 401.6 will be changed from "Draft markings" to "Markings" and a new paragraph (c) will be added to this section which requires that vessels with bulbous bows so indicate by placing special markings above their draft markings. This has appeared as a strong recommendation in the general Seaway Notice published by both Seaway entities for a number of years and is necessary so that the vessel may be safely spotted in the lock. Because the regulation will not be effective until the beginning of the 1981 navigation period, vessels will have an adequate time in which to comply with a relatively simple requirement.

In § 401.16, a reference to the vessel's weight is being substituted for a reference to the vessel's length. This will make the equipment required by the section dependent on the gross tonnage of the vessel rather than on its length and will keep the Seaway Regulations consistent in their requirements for equipment. Subsection 401.16(b) will be reworded for clarity with no change in substance.

As indicated above, § 401.19 will have added to it a new paragraph (c) which prohibits the discharge of any substance onto lock or tie-up walls. In addition, the section's heading will be changed to read "Disposal and discharge systems."

As further started above, § 401.21 will be modified to indicate that in addition to the requirements contained elsewhere in the Seaway Regulations, certain requirements as set forth in Schedule I are applicable only to the U.S. waters of the Seaway. The present § 401.21 provision that vessels be equipped with rudder angle indicators will be included in Schedule I.

Section 401.26 along with § 401.29(c), § 401.31(c)(4), § 401.35, § 401.43, § 401.62 and § 401.63 will be amended so as to delete any reference to the Canadian Sault Ste. Marie Lock. This is necessary to reflect that the Canadian Seaway Authority no longer has any responsibility for the area.

New security required of vessels as a result of the recently revised Tolls Schedule (43 FR 11672) will be set forth in § 401.26.

Subsection 401.31(c)(2) will be amended to prohibit smaller plasure craft from overtaking and passing commercial vessels near lock entrances, the practice of which endangers both vessels.

As indicated previously, bascule bridges overhang several lock walls within the Seaway system. Section 401.3 is being amended to provided for this. Section 401.33 will also be amended to require that vessels whose dimensions exceed the maximum allowable under § 401.3(d) must apply for special transit instructions from either the Seaway Corporation or the Seaway Authority.

Subsection 401.40(a) will be revised to indicate that stop symbols rather than "Stop" signs are now in use at the locks.

Section 401.51 will be amended to require that a vessel master signal the vessel's presence to a bridgemaster by VHF radio rather than by using the vessel's whistle. This will make the regulation consistent with the usual practice.

Subsection 401.59(b) will be revoked and a new provision substituted therefor which requires that vessels only discharge substances in accordance with the applicable U.S. and Canadian Federal Regulations. Additionally, in the Welland Canal, two zones have been designated as prohibited discharge areas due to their proximity to municipal intake areas.

Sections 401.66 through 401.73 have been revised in accordance with IMCO standards and applicable U.S. and Canadian statutes concerning the transportation of dangerous cargo.

Section 401.77 will be amended to reflect the actual charge for pleasure craft tickets as revised by the recently adopted Tolls Schedule.

Section 401.80 will be amended to require a hazardous cargo vessel to report certain particulars of its cargo to the nearest Seaway station prior to entering or getting underway in the Seaway.

Sections 401.84 and 401.85 will be substantially revised so as to group in one place applicable reporting requirements.

A new Schedule I which indicates additional maneuvering data and equipment required to be on board vessels transiting the U.S. waters of the Seaway will be added. This will include the requirements previously set forth in § 401.5(b). The remaining Schedules will be renumbered accordingly. In addition, several minor changes will be made to the redesignated Schedules II and III in order to make them consistent with operating procedures now in effect.

The Seaway Corporation has determined that the expected impact of this regulation is so minimal that it does not warrant either a Regulatory Analysis or a formal Evaluation as required by the Secretary of Transportation's Order concerning Regulatory Policies and Procedures (44 FR 11034). It is expected to result in negligible costs to a few vessel owners. There should be no added cost to or impact on consumers and/or Federal, state and local governments.

For the stated reasons, it is proposed to amend the Seaway Regulations as follows.

1. The Table of Contents to the Seaway Regulations is amended as follows:

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

Sec.

* * * * *

401.6 Markings.

* * * * *

401.19 Disposal and discharge systems.

* * * * *

401.21 Requirements for U.S. waters of the Seaway.

* * * * *

401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.

401.85 Reporting of impairment or other hazard by vessels intending to transit the Seaway.

* * * * *

Schedule I Requirements for U.S. waters of the Seaway.

* * * * *

Appendix I Vessel dimensions.

2. Section 401.2 is amended by adding a new paragraph (k) and redesignating the present paragraphs (k) through (n) as (l) through (o), respectively. Section 401.2(k) will read as follows:

§ 401.2 Interpretation.

* * * * *

(k) "Tanker" means any vessel specifically constructed for carrying bulk cargoes of liquid petroleum products, liquid chemicals, liquid edible oils and liquefied gases in tanks which form both an integral part and the total cargo carrying portion of that vessel.

* * * * *

3. Section 401.3 is amended as follows:

§ 401.3 Maximum vessel dimensions.

* * * * *

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than 35.5 metres (116.5 feet) above water level.

* * * * *

(d) No vessel's hull or superstructure when alongside a lock wall shall extend beyond a limit over which an open bascule bridge could be hit. (See illustration in Appendix I).

4. Section 401.5 is revised to read as follows:

§ 401.5 Required equipment.

No vessel shall transit unless it is

(a) Propelled by motor power that is adequate in the opinion of an officer; and

(b) Marked and equipped in accordance with the requirements of sections 401.6 to 401.21.

5. The heading to § 401.6 is changed and a new paragraph (c) is added as follows:

§ 401.6 Markings.

* * * * *

(c) Effective April 1, 1981, where a vessel's bulbous bow extends forward beyond her stem head, a symbol of a bulbous bow shall be marked above the 79.25 decimetres (26 feet) mark in addition to a "+" symbol followed by a number indicating the total length in metres by which the bulbous bow projects beyond the stem.

6. Section 401.16 is amended as follows:

§ 401.16 Propeller direction alarms.

Every vessel of 1600 gross registered tons or more shall be equipped with—

* * * * *

(b) Visible and audible wrong-way propeller direction alarms located in the wheelhouse and engine rooms, unless the vessel is fitted with a device which renders it impossible to operate engines against orders from the bridge telegraph.

7. The heading to § 401.19 will be changed and a new paragraph (c) added as follows:

§ 401.19 Disposal and discharge systems.

* * * * *

(c) No substance shall be discharged or disposed onto a lock wall or tie-up wall by any means, including overboard discharge pipes.

8. Section 401.21 is revoked and the following substituted therefor:

§ 401.21 Requirements for U.S. waters of the Seawy.

In addition to the requirements set forth herein, vessels transiting the U.S. waters of the Seaway are subject to the requirements set forth in Schedule I.

9. Section 401.26 is amended to read as follows:

§ 401.26 Security for tolls.

(a) Before transit by a vessel to which the requirement of preclearance applies, security for the payment of tolls and other charges in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be provided by the representative by means of—

* * * * *

(b) The security for the tolls and other charges of a vessel shall be sufficient to

cover the gross registered tonnage of the vessel—

(1) On the Seaway between Montreal and Lake Ontario, at $1.50 per ton for transit each way or at $3.00 per ton for a round trip;

(2) On the Welland Canal, at $1.25 per ton for transit each way or at $2.00 per ton for a round trip; and shall be maintained in an amount sufficient to cover each transit for which tolls and other charges have been incurred and are unpaid.

(c) Where a number of vessels—

(1) Are owned or controlled by the same individual or company, and

(2) Have the same representative, the security for the tolls and other charges may be provided in an amount estimated by the representative to be equal to $2.20 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls and other charges have been incurred and are unpaid.

* * * * *

§ 401.29 [Amended].

10. Paragraph (c) of § 401.29 is revoked.

11. Subparagraph (c)(4) of § 401.31 is revoked. Subparagraph (c)(2) of § 401.31 is amended as follows:

§ 401.31 Meeting and passing.

* * * * *

(c) * * *

(2) Within 609.60 metres (2000 feet) of a canal or lock entrance.

* * * * *

12. Section 401.33 is revised to read as follows:

§ 401.33 Special instructions.

Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges, all vessels in tow and vessels whose limits extend the requirements of § 401.3(d), and such vessels shall not transit except in compliance with such instructions.

13. Section 401.35 is revised to read as follows:

§ 401.35 Employment of tugs.

No tug shall be fastened alongside a vessel in a canal so that the aggregate of the beams exceeds 23 metres (75 feet 6 inches).

14. In § 401.40, paragraph (a) is amended as follows:

§ 401.40 Entering a lock.

(a) No vessel shall proceed into a lock in such a manner that the stem passes the stop symbol on the lock wall nearest the closed gates.

* * * * *

§ 401.43 [Amended].

15. Section 401.43 is amended by inserting the word "and" after "Iroquois" and deleting the phrase "and Sault Ste. Marie (Canada)".

The table to § 401.43 is also amended by deleting therefrom the portion entitled "Canadian Sault Ste. Marie".

§ 401.51 [Amended].

16. Section 401.51 is amended by deleting the phrase "three distinct blasts shall be sounded on the vessel's whistle" and substituting therefor "the Master shall signal the vessel's presence to the bridgemaster by VHF radio".

17. Paragraph (b) of § 401.59 is amended to read as follows:

§ 401.59 Pollution.

* * * * *

(b) No vessel shall discharge into Seaway waters any substance not in conformity with applicable U.S. Federal Regulations and Canadian Federal Government Regulations with the exception of the waters of the Welland Canal where two specific no-discharge zones are established as follows:

(1) From Lock 7 (Thorold) to Mile 17 (Welland); and

(2) From Lock 8 (Port Colborne) to the outer Port Colborne piers (Lake Erie).

* * * * *

§ 401.62 [Amended]

18. § 401.62 is amended by deleting therefrom the following Seaway Station;

VDX23 (Seaway Sault)—Sault Ste. Marie, Ontario—Traffic Control Sector No. 8.

§ 401.63 [Amended]

19. The Table to § 401.63 is amended by deleting therefrom the following:

Seaway Sault: C.I.P. No. 17 to C.I.P. No. 18 Channel 14, Channel 14, Channel 14.

20. Sections 401.66 through 401.73 under the heading of "DANGEROUS CARGO" are revised as follows:

Dangerous Cargo

§ 401.66 Applicable laws.

Vessels carrying a cargo or part cargo of fuel oil, gasoline, crude oil or other inflammable goods in bulk, including empty tankers which are not gas free, and vessels carrying dangerous substances whether break-bulk or containerized, to which regulations made under the Canada Shipping Act, the Transportation of Dangerous Goods Act (Canada) or the Dangerous Cargo Act of the United States of America, or regulations issued pursuant thereto apply, shall be deemed to carry dangerous substances, and shall not transit unless all requirements of the said statutes and regulations and of these Regulations have been fulfilled.

§ 401.67 Explosive vessels.

A vessel carrying explosives, either Government or commercial, as defined by the Canada Shipping Act, the Transportation of Dangerous Goods Act (Canada), the Dangerous Cargo Act of the United States of America and the International Maritime Dangerous Goods Code Class 1, Divisions 1.1 to 1.5 inclusive shall be deemed for the purpose of these regulations to be an explosive vessel.

§ 401.68 Explosives permit.

(a) An explosives permit is required for an explosive vessel in the following cases:

(1) For all vessels carrying any quantity of explosives with a mass explosive risk, up to a maximum of two (2) metric tons (2.2 short tons; IMCO Class 1, Division 1.1);

(2) For all vessels carrying more than ten (10) metric tons (11.02 short tons) and up to a maximum of fifty (50) metric tons (55.12 short tons) of explosives that do not explode en masse (IMCO Class 1, Division 1.2);

(3) For all vessels carrying more than one hundred (100) metric tons (110.23 short tons) and up to a maximum of five hundred (500) metric tons (551.16 short tons) of explosives having a fire hazard without explosive effect (IMCO Class 1, Division 1.3);

(4) For all vessels carrying more than one hundred (100) metric tons (110.23 short tons) and up to a maximum of five hundred (500) metric tons (551.16) short tons) of safety explosives and shop goods (IMCO Class 1, Divisions 1.4 and 1.5).

(b) When an explosive vessel is carrying quantities of explosives above the maximum mentioned in paragraph (a) of this section, no explosives permit shall be granted.

(c) Written application for a Seaway Explosives Permit may be made to the Chief, Office of Lock Operations, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662, or to the Manager of Operational Services, the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario K6J 3P7. The application shall show that the cargo is packed, marked, labelled, described,

certified, stowed and otherwise conforms with all relevant regulations of the country in which it was loaded and of Canada and the United States.

(d) A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous cargo shall be kept on board every explosive vessel in transit and shall be made available to any officer requiring production of such copies.

§ 401.69 Hazardous cargo vessels.

For the purpose of these Regulations, a vessel shall be deemed to be a hazardous cargo vessel in the following cases:

(a) A tanker carrying fuel oil, gasoline, crude oil or other flammable liquids in bulk, having a flashpoint below 61°C, including a tanker that is not gas free where its previous cargo had a flashpoint below 61°C.

(b) A tanker carrying compressed liquefied gases, bulk acids or liquefied chemicals.

(c) A dry cargo vessel carrying other dangerous substances whether in bulk, break-bulk or containerized that is in excess of:

(1) 50 metric tons (55.12 short tons) of gases, compressed, liquefied or dissolved under pressure (IMCO Class 2);

(2) 50 metric tons (55.12 short tons) of inflammable liquids having a flashpoint below 61°C (IMCO Class 3);

(3) 50 metric tons (55.12 short tons) of inflammable solids, spontaneously combustible material or substances emitting combustible gases when wet (IMCO Class 4);

(4) 50 metric tons (55.12 short tons) of oxidizing substances or organic peroxides (IMCO Class 5);

(5) Any quantity of poisonous (toxic) substances and infectious substances (IMCO Class 6);

(6) Any quantity of radioactive substances (IMCO Class 7);

(7) 50 metric tons (55.12 short tons) of corrosive substances (IMCO Class 8);

(8) Any quantity of metal turnings, borings, cuttings, or shavings in bulk having a temperature on loading or in transit in excess of 65.5°C; or

(9) Any quantity of grain which is under fumigation, where the chemical being used is hazardous to human life.

§ 401.70 Fendering—Explosive and hazardous cargo vessels.

All explosive vessels requiring a permit in accordance with § 401.68 of this title and all tankers carrying cargo with a flashpoint of up to 61°C, except those carrying such cargo in center tanks with gas free wing tanks, shall be equipped with a sufficient number of non-metallic fenders on each side to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.71 Signals—Explosive and hazardous cargo vessels.

(a) An explosive vessel shall display at the masthead or at an equivalent conspicuous position a "B" flag.

(b) A hazardous cargo vessel shall display at the masthead or at an equivalent conspicuous position a "B" flag superior to numeral pennant number 1.

§ 401.72 Reporting—Explosive and hazardous cargo vessels.

(a) Every explosive vessel or hazardous cargo vessel shall, when reporting in information related to cargo as required by § 401.64(a) of this title, report the nature and tonnage of its explosive or hazardous cargo, and the flashpoint of that cargo where applicable. Every vessel carrying grain which is under fumigation shall declare the nature of the fumigant and its properties.

(b) Every explosive vessel requiring a Seaway Explosives Permit shall, when reporting in, give the number of its Seaway Explosives Permit.

(c) Every hazardous cargo vessel carrying metal turnings, shavings, cuttings or borings in bulk shall, when reporting in information related to cargo as required by § 401.64(a) of this title, give the high temperature reading of each compartment at that time, together with the high temperature reading in each compartment taken on completion of loading.

(d) Every vessel carrying radioactive substances shall, when reporting in, give the number and date of issue of any required certificate issued by the Atomic Energy Control Board authorizing such shipment.

§ 401.73 Cleaning tanks—Hazardous cargo vessels.

Gas freeing and cleaning of cargo tanks shall not take place.

(a) In a canal or a lock;

(b) In an area that is not clear of other vessels or structures;

(c) Before gas freeing and tank cleaning has been reported to the nearest Seaway station.

§ 401.77 [Amended]

22. Section 401.77 is amended by deleting the comma after "Seaway lock" and by deleting the phrase "other than the lock on the Sault Ste. Marie (Canada) Canal,". The section is further amended by deleting the phrase "S2 or S3" and substituting therefor "S4".

23. § 401.80 is revised to read as follows:

§ 401.80 Reporting hazardous cargo.

(a) The master of any explosive vessel or hazardous cargo vessel shall report or shall cause to be reported to the nearest Seaway station, at least three hours prior to expected entry into the Seaway system, the nature and quantity of the dangerous cargo and where it is stowed on the vessel.

(b) The master of any vessel which takes on explosive or hazardous cargo while in the Seaway system shall report to the nearest Seaway station, at least three hours prior to commencing transit, the nature and quantity of the dangerous cargo and where it is stowed on the vessel.

24. Section 401.84 is revised to read as follows:

§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.

While transiting the Seaway, the master of a vessel shall report to the nearest Seaway station as soon as possible—

(a) Any condition of the vessel that might impair its ability to transit safely and expeditiously;

(b) Any hazardous condition on the vessel;

(c) Any malfunction on the vessel of equipment required by § 401.5 to § 401.21 of the Seaway Regulations;

(d) Any difficulty on the part of the vessel in controlling its tow or tows;

(e) Any hazard, dangerous situation or malfunctioning aid to navigation which has not been published in a Notice to Mariners;

(f) Any loss of anchor with particulars of the precise location of the loss (immediate reporting required in this situation); and

(g) Any location where the visibility is less than one nautical mile (1.15 statute miles).

25. Section 401.85 is revised to read as follows:

§ 401.85 Reporting of impairment or other hazard by vessels intending to transit the Seaway.

The master of any vessel which intends to transit the Seaway shall report to the nearest Seaway station, prior to entering the Seaway, any of the conditions set forth in paragraphs (a) to (d) of § 401.84.

26. Schedule I, "Table of Speeds," and Schedule II, "Calling-in Table", are renumbered as Schedules II and III,

respectively. A new Schedule I is added as follows:

Schedule I.—Requirements for U.S. Waters of the Seaway.

No vessel of 1600 gross tons or more shall transit the U.S. waters of the Seaway unless it is equipped with the following maneuvering data and equipment:

(a) Charts of the Seaway which are currently corrected and of large enough scale and sufficient detail to enable safe navigation. These may be published by a foreign government if the charts contain similar information to those published by the U.S. Government.

(b) U.S. Coast Guard Light List, currently corrected.

(c) Current Seaway Notices Affecting Navigation.

(d) The following maneuvering data prominently displayed on a fact sheet in the wheelhouse:

(1) For full and half speed, a turning circle diagram to port and starboard that shows the time and distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings;

(2) The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder;

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute, for a representative range of speeds;

(4) For each vessel that is fitted with an auxiliary propeller, a table of control settings for a representative range of speeds;

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel;

(6) The maneuvering information for the normal load and normal ballast condition for:

(i) Calm weather—wind 10 knots or less, calm sea;

(ii) No current;

(iii) Deep water conditions—water depth twice the vessel's draft or greater; and

(iv) Clean hull;

(7) At the bottom of the fact sheet, the following statement:

Warning

The response of the (name of the vessel) may be different from that above if any of the following conditions, upon which the maneuvering is based, are varied:

(a) Calm weather—wind 10 knots or less, calm sea;

(b) No current;

(c) Deep water conditions—water depth twice the vessel's draft or greater;

(d) Clean hull;

(e) Intermediate drafts or unusual trim.

(e) Illuminated magnetic compass at main steering station with compass deviation table, graph or record.

(f) Gyro-compass with illuminated gyro—repeater at main steering station.

(g) Marine radar system for surface navigation.

(h) Efficient echo sounding device.

(i) Illuminated rudder angle indicators or repeaters that are:

(1) Located in the wheelhouse;

(2) Arranged so that they can easily be read from any position on the bridge.

(j) Illuminated indicator showing the operating mode of that device when vessel is equipped with auxiliary maneuvering devices.

Schedule II [Amended]

27. Schedule II, "Table of Speeds", is amended by substituting "Buoy 162" for "Light 162" both in Column II of Item 9 and in Column I of Item 10. Schedule II is further amended by deleting Item 14 and renumbering Items 15 and 16 as Items 14 and 15, respectively.

Schedule III [Amended]

28. Schedule III, "Calling-in Table", is amended by deleting Items 25, 26, 27, 28, and 52 and by renumbering the remaining Items accordingly. In addition, the new Item 49 will be amended under the column entitled "Message content" to read as follows:

C.I.P. and checkpoint	Station to call	Message content
	DOWNBOUND VESSELS	
* * * * *		
49. St. Lambert Lock to C.I.P. 2—leaving Sector 1.	Seaway Beauharnois Ch.14	1. Name of vessel. 2. Location. 3. Confirm harbor or river pilot requirement—St. Lambert. 4. Montreal Harbor berth number (if applicable)
* * * * *		

29. A new Appendix I will be added as follows:

Appendix I.—Vessel Dimensions

Bascule bridges are located at a number of Seaway locks. These bridges, when fully raised, overhang the lock wall at a given point, thereby limiting:

(a) the height of a vessel above the water line measured at the vessel's side; and

(b) the height of other structures which are located near the sides of the vessel, such as derricks, crosstrees, antennas, etc.

The following block diagram shows the limits beyond which a vessel's hull or superstructure cannot extend *when the vessel is alongside the lock wall.* The limits in the block diagram are based on vessels with a maximum allowable beam of 23.16m (76 feet). For vessels with a beam width less than this, and whose dimensions exceed the limits of the block diagram (measured with the vessel alongside the lock wall), a special permission to transit must be obtained. (Accurate measurements may be required before such permission is granted).

Caution: Masters must take into account the ballast draft of the vessel when verifying the maximum permissible dimensions.

(68 Stat. 92-97, 33 U.S.C. § 981-990, as amended, and sections 4, 5, 6 and 7 of SEC. 2 of Pub. L. 95-474, 92 Stat. 1471.)

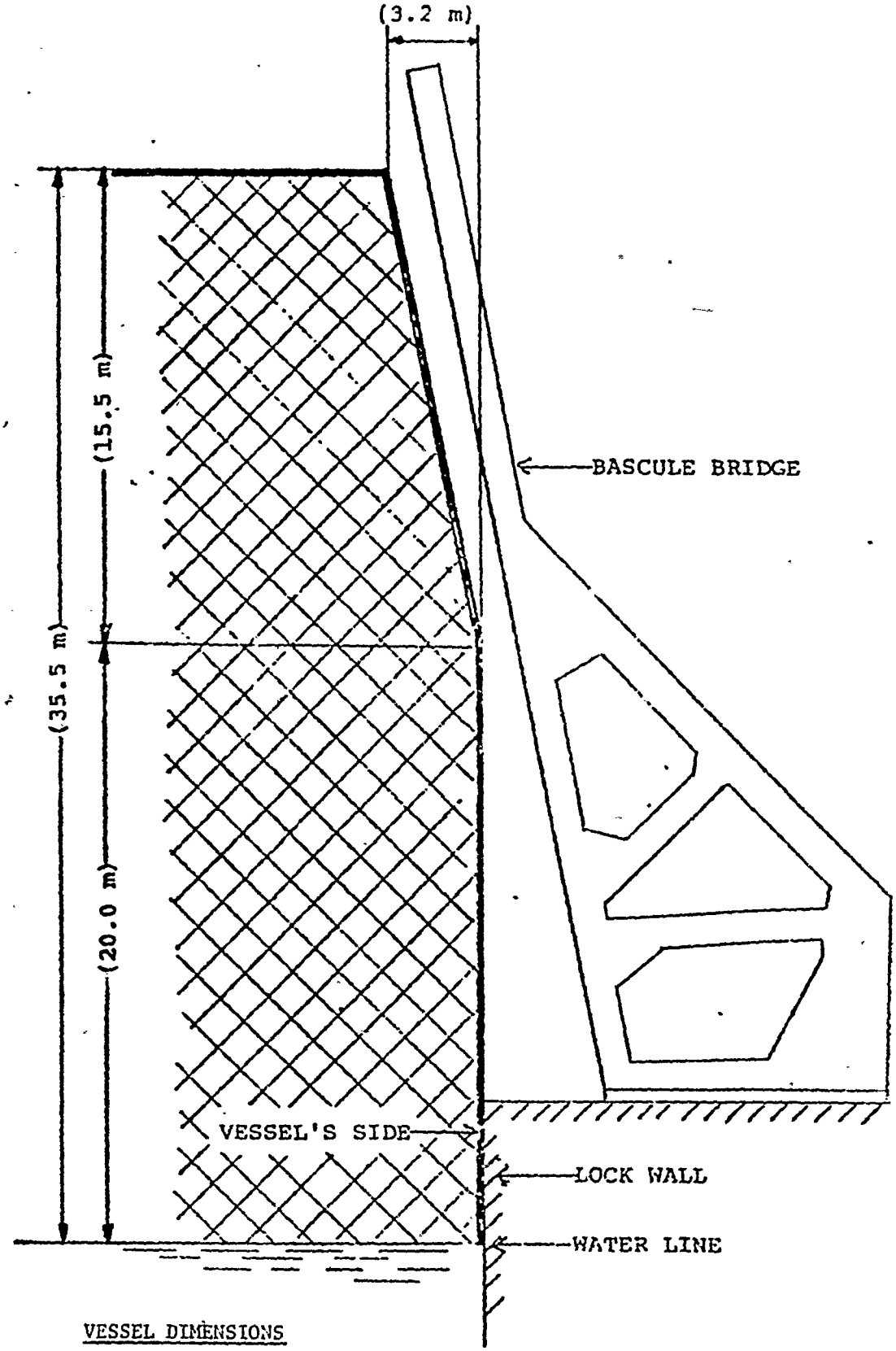
Issued at Massena, New York on June 11, 1979.

Saint Lawrence Seaway Development Corporation.

William H. Kennedy,

Acting Administrator.

BILLING CODE 4910-61-M



VESSEL DIMENSIONS

Block Diagram

N.B. Not to scale

[FR Doc. 79-18989 Filed 6-18-79; 8:45 am]
BILLING CODE 4910-61-C

ENVIRONMENTAL PROTECTON AGENCY

[40 CFR Ch. I]

[FRL 1252-6]

Motor Vehicle Pollution Control; Waiver of Carbon Monoxide Emission Standards, Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing to consider application for waiver of 1981 and 1982 model year light-duty vehicle emission standard for carbon monoxide (CO).

SUMMARY: General Motors Corporation (GM) has announced its intention to submit on June 22, 1979, an application requesting the Administrator to waive the effective date of the 1981 and 1982 CO standard under section 202(b)(5) of the Clean Air Act, as amended.

DATES: This notice announces that EPA will hold a public hearing in Washington, D.C. beginning on July 9, 1979, and continuing through July 13, 1979, if necessary, to consider GM's waiver application and any other manufacturers' applications received by June 29, 1979. Interested parties also may submit written comments to the public docket on the waiver applications until July 23, 1979.

ADDRESS: All public portions of CO waiver applications and other relevant information are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Central Docket Section (A-130), Room 2903 B Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN-79-4).

FOR FURTHER INFORMATION CONTACT: Ms. Carolyn Blackstone, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0944.

SUPPLEMENTARY INFORMATION: Under section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) (1977) ("Act"), at any time after August 31, 1978, any manufacturer may file with the Administrator an application requesting the waiver of the effective date of the carbon monoxide (CO) emission standard applicable to any model of light-duty motor vehicles and engines manufactured by the applicant during model years 1981 and 1982. Section 202(b)(5)(C) requires the Administrator to issue a decision granting or denying such waiver within 60 days after receipt of the application and after public hearing. Guidelines for the submission of such waiver requests have been previously published in the Federal Register, 43 FR 47272, October 13, 1978.

Section 202(b)(1)(A) requires that emissions of CO from 1981 and later model year light-duty motor vehicles be reduced by 90% from 1970 CO emission standards. A CO emission standard of 3.4 grams per vehicle mile, determined to achieve such reduction and made applicable by regulation to 1981 and later model year light-duty vehicles, has been published in the Federal Register, 43 FR 37972, August 24, 1978. If the Administrator determines that a waiver from the CO standard of 3.4 grams per vehicle mile (gpm) should be granted, he must simultaneously with such determination prescribe by regulation CO emission standards to apply to those model vehicles or engines to which the waiver applies. Under section 202(b)(5)(B), the maximum CO level for which a waiver may be granted is 7.0 gpm.

Under section 202(b)(5)(C), the Administrator may grant such a waiver only if he finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm for those model years and vehicles for which the waiver is sought. In addition, a waiver may be ganted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) all good faith efforts have been made to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to him have not indicated that technology, processes, or other alternatives are available to meet such standards.

In order for a waiver to be granted, the Administrator must detemine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. However, the Administrator is not required to make his determination solely on the record of the hearing, and may consider any additional information as well. All information considered by the Administrator will be included in the public docket.

GM has announced its intention to submit a CO waiver application on June 22, 1979. A decision on GM's application then would have to be made on or before August 21, 1979. A public hearing on this application and on applications received from any other motor vehicle manufacturers on or before June 29, 1979, will be held in the General Services Administration Auditorium, 7th and D Streets, S.W., Washington, D.C., commencing at 9 a.m. on July 9, 1979. EPA encourages all manufactures planning to request a CO waiver to file their applications by the June 29 deadline so that all of the applications can be reviewed in one consolidated proceeding. *Procedures.* The public hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the Administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevant material in the Central Docket Section at the address listed above, not later than July 5, 1979. If feasible, at least 75 copies of such statement or material for the hearing record and for general circulation should be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witnesses by the hearing panel to the extent practicable. Written statements and information may be filed in the public docket until July 23, 1979.

Under the subpoena authority of section 307(a)(1), appropriate representatives of the applicants will be required to attend the hearings and respond to questions propounded by the hearing panel. Moreover, representatives from other groups, in particular other automobile manufacturers, may also be subpoenaed to produce relevant information and provide testimony before the hearing panel. Section 307(a)(1) also authorizes the administration of oaths to testifying parties.

The Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing that corroborative material be submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

Presentations by the participants should be addressed exclusively to the following considerations:

1. Whether protection of the public health requires attainment of the established CO standard of 3.4 gpm for the model years to which the waiver would apply.

2. Whether the requested waiver is essential to the public interest or public health and welfare of the United States.

3. Whether the applicants have made all good faith efforts to meet the CO standard for those model years and vehicles for which the waiver is sought.

4. Whether effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy.

5. Whether studies and investigations of the National Academy of Sciences and other information indicate that technology, processes or other alternatives are available to meet such standards.

6. The level of CO emissions, not to exceed 7.0 gpm, which could be met in each of the model years for which a waiver is requested and which would reflect the greatest degree of emission control achievable by use of available technology, giving appropriate consideration to the cost of applying such technology within the available time period.

A verbatim record of the proceedings will be made and will be available for public inspection. A copy of the transcript may be requested from the reporter during the hearing and will be made at the expense of the person so requesting. Copies of other documents in the public record also may be obtained as provided in 40 C.F.R. Part 2.

Dated: June 14, 1979.

B. R. Jackson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-19252 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1252-2]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule: Proposed Disapproval of Revision.

SUMMARY: Proposed revisions to the Michigan State Implementation plan (SIP) were submitted by the Michigan Department of Natural Resources (MDNR), pursuant to section 110 of the Clean Air Act. These revisions pertain to emission limitations for sulfur dioxide and particulate matter for the chemical producing complex of the Dow Chemical Company in Midland, Michigan. These revisions seek approval of the continued use by Dow of a Supplementary Control System (SCS) for control of emissions from the complex in order to maintain satisfactory air quality. The U.S. Environmental Protection Agency is proposing to disapprove these revisions.

DATE: Comments must be received on or before July 19, 1979.

ADDRESS COMMENTS TO: John McGuire, Regional Administrator, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Air Programs Branch.

Copies of the proposal are available for public inspection during normal business hours at the above address and at: Michigan Air Pollution Control Commission, General Office Building-State Secondary Complex, 7150 Harris Drive, 3rd Floor, Lansing, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Joel Morbito, Michigan State Specialist, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353-2205.

SUPPLEMENTARY INFORMATION: Dow Chemical, U.S.A.—Michigan Division, operates a large chemical manufacturing plant located in Midland, Michigan. The Company burns coal, oil and gas in its power plants at these facilities, with a huge potential for exceeding air quality standards in the Midland area. Currently, the Michigan Implementation Plan provides that Dow-Michigan Division achieve compliance with sulfur dioxide emission standards by July 1, 1975. See 40 CFR Part 52.1175(d). This plan provides that Dow-Michigan Division achieve compliance with particulate emission standards by April 1, 1975. See 40 CFR Part 52.1175(e). As a means of complying with Michigan's emission regulations which are designed to meet the national ambient air quality standards (NAAQS), Dow entered into a Consent Order with the Michigan Air Pollution Control Commission (MAPCC) on May 17, 1974. The 1974 Consent Order provided that Dow could temporarily operate a Supplementary Control System (SCS) in order to meet NAAQS for sulfur dioxide. SCS are systems which limit the rate of pollutant emissions during periods when meteorological conditions are conducive to ground level concentrations in excess of the NAAQS. SCS differ from the traditional technique for pollution control, namely constant control devices. Constant control devices eliminate the amount of pollutant emitted into the atmosphere. The 1974 Consent Order further provided that so long as NAAQS for sulfur dioxide were met, Dow was granted a variance until July 1, 1980 from the emission regulations for air pollutants. This Order was never approved by USEPA as a revision to the Michigan Implementation Plan. The 1974 Consent Order contemplated retirement of Dow's fuel burning power plants July 1, 1980. When it became clear that a nuclear power plant would not be completed in time to supply Dow by July 1, 1980, Dow and the MAPCC devised a new plan designed to meet emission regulations by the time of the expiration of the variance on July 1, 1980.

On July 21, 1977, a new Consent Order between Dow and the MAPCC became effective. U.S. EPA never approved this Order as a revision to the Michigan Implementation Plan. This Consent Order provided that Dow would continue to operate an SCS until July 1, 1980, after which time coal would be eliminated as a fuel in the Dow power plants. It was determined that fuel conversion from coal to low-sulfur oil was a feasible means of reducing emissions at the complex to the required levels.

On August 7, 1977, shortly after the July, 1977 Consent Order between Dow and MAPCC, the Clean Air Act was amended. Section 123 of the Act now provides:

> (a) The degree of emission limitation required for control of any air pollutant under an applicable implementation plan under this title shall not be affected in any manner by—
>
> (1) so much of the stack height of any source as exceeds good engineering practice (as determined under regulations promulgated by the Administrator), or
>
> (2) any other dispersion technique . . .
>
> (b) For the purpose of this section, the term "dispersion technique" includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions. 42 U.S.C. § 7423.

In its request to revise its State Implementation Plan, Michigan permits Dow to continue to burn mostly coal and operate the SCS until December 31, 1982.

The information submitted and all other relevant material have been

evaluated. Operation of the Supplementary Control System by Dow violates the Clean Air Act prohibition of dispersion techniques. It is proposed, therefore, that the request of the Michigan Department of Natural Resources to extend the use of SCS at Dow Chemical, U.S.A., Midland, Michigan, and thereby revise the Michigan Implementation Plan, be disapproved.

Interested persons are invited to submit written comments on this proposed action. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them.

Dated: June 6, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-19070 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1251-3]

Mississippi: Proposed 1979 Implementation Plan Revisions

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Proposed rule.

SUMMARY: EPA today proposes approval action on the State Implementation Plan (SIP) revision which the Mississippi Air and Water Pollution Control Commission submitted pursuant to requirements of Part D of the Clean Air Act Amendments (CAAA) of 1977 with regard to nonattainment areas. EPA has found all portions of the revisions to be approvable. Mississippi has one designated nonattainment area for total suspended particulate (TSP), in Jones County, (Laurel) Mississippi. On March 7, 1979, Mississippi formally submitted a SIP revision for the nonattainment area.

The public is invited to submit written comments on these proposed actions.

DATES: To be considered, comments must be submitted on or before July 19, 1979. A thirty-day comment period is being used to enable publication of final action on the SIP revisions before the July 1, 1979, statutory deadline in Section 172 of the CAAA, because a thirty day comment period was provided when this SIP revision was announced by the State, and because this SIP revision is not complex.

ADDRESSES: Written comments should be addressed to Melvin Russell of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by Mississippi may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street S.W., Washington, DC. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308.

Mississippi Air and Water Pollution Control Commission, Robert E. Lee Building, Jackson, Mississipi 39205.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Russell, Air Programs Branch, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-2864.

SUPPLEMENTAL INFORMATION:

Background: In accordance with the Clean Air Act, as amended August, 1977, EPA, on March 3, 1978, published in the Federal Register a listing of States' attainment status relative to the National Ambient Air Quality Standards. Jones County (Laurel), Mississippi was designated nonattainment for TSP.

Following notice and public hearing in conformity with the requirements of 40 CFR 51.4, the Mississippi Air & Water Pollution Control Commission on January 23, 1979, adopted a revision to the SIP.

The revision represents the State's plan for attaining and maintaining the TSP National Ambient Air Quality Standard (NAAQS) in Jones County. This revision has been reviewed in light of the CAAA of 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the Federal Register on April 4, 1979 (44 FR 20372) and need not be repeated in detail here.

General Discussion: Section 172(b)(1) through (11) of the CAAA of 1977 contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents and adequacies of the Mississippi submittal.

172(b)(1) [SIP provisions shall] be adopted by the State (or promulgated by the Administrator under Section 110(c)) after reasonable notice and public hearing;

The plan revision was adopted by the Mississippi Air and Water Pollution Control Commission on January 23, 1979. Public hearings were held in Jackson and Laurel, Mississippi on December 18, 1978, following 30 days public notice.

172(b)(2) [SIP provisions shall] provide for the implementation of all reasonably available control measures as expeditiously as practicable;

The revision provides that reasonably available control measures have been adopted and will be implemented as expeditiously as practicable. Enforceable compliance schedules and a demonstration of attainment before December 31, 1982, was in the submittal.

172(b)(3) [SIP provisions shall] require, in the interim reasonable further progress (as defined in Section 171(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT);

The revision includes a reasonable further progress (RFP) table and graph, enforceable RACT measures which are the basis for numbers used in the table, and a description of reductions already achieved. The RFP schedule provides for attainment of primary and secondary TSP standards before December 31, 1982, including a margin for growth.

172(b)(4) [SIP provisions shall] include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the Administrator) of each such pollutant for each such area which is revised and resubmitted as frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a);

The revision includes a comprehensive and accurate inventory of actual emissions for the base year 1975. This base year was used because no major changes in emissions affecting air quality have taken place since then. EPA finds the 1975 inventory acceptable for the purpose of developing the plan. A projected emissions inventory for 1982, based on allowable emissions, was also submitted. The Plan provides that Mississippi shall report to EPA annually regarding progress toward attaining standards in the area. These reports will include update inventories of actual emissions from all TSP sources in the area, as necessary.

172(b)(5) [SIP provisions shall] expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

Emissions from the construction and operation of major new or modified stationary sources will be permitted only if emissions from the new or modified source, combined with existing emissions, do not exceed the total emissions allowed by the Plan's RFP schedule. (See item (6) below.) Identification and quantification of emissions will be accomplished by means of the permitting process.

172(b)(6) [SIP provisions shall] require permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 (relating to permit requirements);

The State requires permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 (Air Emission Equipment Regulation APC–S–2). Briefly this regulation requires that any construction and operation of new or modified major stationary sources meet the following criteria before permits to construct and operate are issued:

(A) Achieve the lowest achievable emission rate (LAER) of particulate matter.

(B) Emissions from the proposed new facility combined with existing emissions may not exceed the total allowable emissions projected in the Plan's RFP schedule.

(C) All major sources located in the State owned by or under common ownership with the owner of the proposed new sources must be in compliance with all applicable State and Federal air pollution control regulations or on a schedule of compliance.

172(b)(7) [SIP provisions shall] identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

The State has identified and committed adequate financial and manpower resources necessary to carry out the provisions of this SIP provision.

172(b)(8)[SIP provisions shall] contain emission limitations, schedules of compliance and such other measures as may be necessary to meet the requirements of this section;

The Plan revision contains emission limitations which are in the form of adopted permit conditions, schedules of compliance and other necessary measures to demonstrate attainment by December 31, 1982. Because of the limited number of sources impacting the nonattainment area, the adopted permit conditions for the sources, which will be made part of the SIP, will be the regulatory basis for achieving the emission reductions. A significant amount of the required reductions has already been achieved.

The most significant emission reduction required by the plan is to require Masonite Corporation to cease all air emissions from woodchip pneumatic nozzles and cyclone WR–4 and that the wood chip pnuematic conveyance be replaced by a mechanical conveyance system by September 1, 1979.

1(b)(9)[SIP provisions shall] contain evidence of public, local government, and State legislative involvement and consultation in accordance with Section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (B) a summary of the public comment on such analysis;

Consultation with the public, local government and State legislative involvement, and consultation in accordance with section 174 of the CAAA is evidenced by a submittal of public hearing transcripts, and copies of records from the January 23, 1979, Commission meeting when the plan was formerly adopted. Section 14 of the plan addresses the air quality, health, welfare, economic, energy, and social effects of the plan revision. The plan indicates positive effects for health, welfare, economics, energy, and air quality, and no appreciable social effects.

172(b)(10)[SIP provisions shall] include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable document, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

In the State of Mississippi, the Air and Water Pollution Control Commission has the full statutory authority for enforcing the SIP revisions. The Mississippi Air and Water Pollution Control Commission adopted the necessary requirements, schedules, and timetables for compliance, and is committed to implement and enforce the appropriate elements of the Plan (See items (6), (7) and (8) above).

172(b)(11)[SIP provisions shall] in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a)—

(A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification;

(B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

(C) identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.

This requirement is not applicable to Mississippi's 1979 plan revision submittal.

Proposed Action

Based on the foregoing, EPA is proposing to approve fully the SIP under Part D of the CAAA, as it relates to the attainment of TSP standard in Jones County (Laurel) Mississippi.

(Sections 110 and 172 of the Clean Air Act [42 U.S.C. 7410 and 7502])

Dated: May 18, 1979.

Sanford W. Young,

Acting Regional Administrator.

[FR Doc. 79-19072 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 60]

[FRL 1095-1]

Review of Standards of Performance for New Stationary Sources: Nitric Acid Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Review of standards.

SUMMARY: EPA has reviewed the standard of performance for nitric acid plants. The review is required under the Clean Air Act, as amended August 1977. The purpose of this notice is to announce EPA's intent not to undertake revision of the standards at this time.

DATES: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments to the Central Docket Section (A–130), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket No. A–79–08. The document "A Review of Standards of Performance for New Stationary Sources—Nitric Acid Plants" (EPA report number EPA–450/3–79–013) is available upon request from Mr. Robert Ajax (MD–13), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ajax, (919) 541–5271.

SUPPLEMENTARY INFORMATION:

Background

Prior to the promulgation of the NSPS in 1971, only 10 of the existing 194 weak nitric acid (50 to 60 percent acid) production facilities were specifically designed to accomplish NO_x abatement.

Without control equipment, total NO_x emissions are approximately 3,000 ppm in the stack gas, equivalent to a release of 21.5 kg/Mg (43 lb/ton) of 100 percent acid produced.

At the time of the NO_x New Source Performance Standard (NSPS) promulgation there were no State or locat NO_x emission abatement regulations in effect in the U.S. which applied specifically to nitric acid production plants. Ventura County, California, had enacted a limitation of 250 ppm NO_x to govern nitric acid plants as well as steam generators and other sources.

In August of 1971, the EPA proposed a regulation under Section 111 of the Clean Air Act to control nitrogen oxides emissions from nitric acid plants. The regulation, promulgated in December 1971, requires that no owner or operator of any nitric acid production unit (or "train") producing "weak nitric acid" shall discharge to the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as NO_2, in excess of 1.5 kg per metric ton of acid produced (3.0 lb per ton), the production being expressed as 100 percent nitric acid; and any gases which exhibit 10 percent opacity or greater.

The Clean Air Act Amendments of 1977 require that the Administrator of the EPA review and, if appropriate, revise established standards of performance for new stationary sources at least every 4 years [Section 111(b)(1)(B)]. This notice announces that EPA has completed a review of the standard of performance for nitric acid plants and invites comment on the results of this review.

Findings

Industry Growth Rate

The average rate of production increase for nitric acid fell from 9 percent/year in the 1960–1970 period to 0.7 percent from 1971 to 1977. The decline in demand for nitric acid parallels that for nitrogen-based fertilizers during the same period.

Nitric acid production shows an increasing trend toward plant/unit location and growth in the southern tier of States. In 1971, 48 percent of the national production was in the south. This figure increased to 54 percent in 1976.

About 50 percent of plant capacity in 1972 consisted of small to moderately sized units (50 to 300-ton/day capacity). Because of the economies of scale some producers are electing to replace their existing units with new, larger units. New nitric acid production units have been built as large as 910 Mg/day (1000 tons/day). The average size of new units is approximately 430 Mg/day (500 tons/day).

Control Technology

A mixture of nitrogen oxides (NO_x) is present in the tail gas from the ammonia oxidation process for the production of nitric acid. In modern U.S. single pressure process plants producing 50 to 60 percent acid, uncontrolled NO_x emissions are generated at the rate of about 21 kg/Mg of 100 percent acid (42 lb/ton) corresponding to approximately 3000 ppm NO_x (by volume) in the exit gas stream. The catalytic reduction process which was considered the best demonstrated control technology at the time the present standard was established has been largely supplanted by the extended absorption process as the preferred control technology for NO_x emissions from new nitric acid plants. The latter control system appears to have become the technology of choice for the nitric acid industry due to the increasing cost and danger of shortages of natural gas used in the catalytic reduction process. Since the energy crisis of the mid-1970's, over 50 percent of the nitric acid plants that had come on stream through mid-1978 and almost 90 percent of the plants scheduled to come on stream through 1979 use the extended absorption process for NO_x control.

Levels Achievable with Demonstrated Control Technology

All 14 of the new or modified operational nitric acid production units subject to NSPS and tested showed compliance with the current standard of 1.50 kg/Mg (3 lb/ton). The average of seven sets of test data from catalytic reduction-controlled plants is 0.22 kg/Mg (0.44 lb/ton), and the average of six sets of test data from extended absorption-controlled plants is 0.91 kg/Mg (1.82 lb/ton). All of the plants tested were in compliance with the opacity standard. It appears that the extended absorption process, while it has become the preferred control technology for NO_x control, cannot control these emissions as efficiently as the catalytic reduction process. In fact, over half of the test results for extended absorption were within 20 percent of the NO_x standard. The extended absorption process thus appears to have limitations with respect to NO_x control, and compares unfavorably with catalytic reduction in its ability to reduce NO_x emissions much below the present NSPS level.

Economic Considerations Affecting the NO_x NSPS

The annualized costs of the extended absorption process and the catalytic reduction NO_x control methods appear to be quite comparable. Capital cost for the extended absorption process is appreciably higher than that for catalytic reduction. However, this is offset by the higher operating cost of the latter system which requires increasingly costly natural gas.

Conclusions

Based on the above findings, EPA concludes that the existing standard of performance is appropriate at this time. While lower emission levels are attainable, the energy penalty and shortages of natural gas are concluded to be a basis for retaining the current standard of performance under Section 111 of the Clean Air Act. However, the recent deregulation will alter the price and availablity of natural gas, and provides a basis for optimism about its future availability for process and pollution control purposes. The Agency, therefore, plans to continue to assess the standard as the effect of deregulation materializes. Moreover, it should be noted that for the purpose of attaining and maintaining national ambient air quality standards and prevention of significant deterioration requirements, State Implementation Plan new source reviews may in come cases require greater emission reductions than those required by the standards of performance for new sources.

Public participation

All interested persons are invited to comment on this review, the conclusions, and EPA's planned action. Comments should be submitted to: Mr. Don Goodwin (MD–13), Emission Standards and Engineering Division, U.S. Environmenal Protection Agency, Research Triangle Park, North Carolina 27711.

Dated: June 11, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79–19002 Filed 6–18–79; 8:45 am]

BILLING CODE 6560–01–M

[40 CFR Part 65]

[FRL 1250-7]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Delayed Compliance Order for Ashland Oil, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative order to Ashland Oil, Inc. The Order requires the Company to bring its volatile organic material loading rack into compliance with the Indiana Regulation APC-15, part of the federally approved Indiana State Implementation Plan (SIP). Because the Company is unable to comply with this regulation at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (Act) for violation of the SIP regulation covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before the thirtieth day from the date of this notice and requests for a public hearing must be received on or before the fifteenth day from the date of this notice. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days' prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSEES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Pierre Talbert, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Ashland Oil, Inc. owns a volatile organic material loading rack at Clarksville, Indiana. The proposed order addresses emissions from this facility, which is subject to APC-15 of the Indiana Implementation Plan. The regulation limits the emissions of volatile organic materials and is part of the federally approved Indiana State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

Dated: May 31, 1979.

John McGuire,

Regional Administrator, Region B

1. The text of the Order reads as follows:

U.S. Environmental Protection Agency, Region V

In the matter of: Ashland Oil, Inc., Clarksville Terminal, Clarksville, Indiana. Proceeding Pursuant to Section 113(d) of the Clean Air Act, as Amended [42 U.S.C. Section 7413(d)]. Order No. EPA-5-79.

Introduction

This Order is issued this date pursuant to Sections 113(a), 113(d), and 114 of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereafter "Act") and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Indiana have been provided pursuant to Section 113(d)(1) of the Act.

Findings

1. On January 23, 1979, the United States Environmental Protection Agency (hereafter "U.S. EPA" or "Agency") issued a Notice of Violation (hereafter "NOV") to Ashland Oil, Inc. (hereafter Ashland) pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), for alleged violation of Indiana Air Pollution Control Regulation APC-15. The NOV cited Ashland's Clarksville, Indiana Terminal located at 214 Center Street, Clarksville, Indiana.

2. Indiana Air Pollution Control Regulation APC-15 creates certain requirements applicable to facilities which load volatile organic materials in specified quantities into certain tank trucks, trailers, or railroad tank cars.

3. Indiana Air Pollution Control Regulation APC-15 is part of the State of Indiana Implementation Plan, which was created under Section 110 of the Act, 42 U.S.C. 7410.

4. In satisfaction of Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4), an opportunity to confer with the Administrator's delegate was extended to Ashland in the NOV, and a conference was held on March 5, 1979.

5. Following the March 5, 1979, conference, Ashland, by informal discussion, stated its intent to control vapor emissions with a vapor recovery and disposal system at its Clarksville, Indiana Terminal by July 1, 1979.

6. It has been determined by the U.S. EPA that Ashland Oil, Inc. is unable to immediately comply with Indiana Air Pollution Control Regulation APC-15 of the State of Indiana Implementation Plan.

7. It has been determined by U.S. EPA that violations of Indiana Air Pollution Control Regulation have continued beyond the 30th day after the date of notification by the Director, Enforcement Division.

8. Ashland Oil, Inc. does not admit to a violation of Indiana Air Pollution Control Regulation APC-15 and its consent as hereinafter set forth is a demonstration of its good faith to avoid protracted and costly administrative and judicial proceedings.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby agreed and Ordered that:

1. Ashland Oil, Inc. will achieve compliance by July 1, 1979, with the State of Indiana Implementation Plan Air Pollution Control Regulation APC-15 as approved by the U.S. EPA in the Federal Register on May 14, 1973, which requires the installation of a vapor collection and recovery system or its equivalent at the volatile organic material loading rack associated with its Clarksville, Indiana Terminal in accordance with the following schedule:

a. March 26, 1979—Order Necessary Equipment.
b. May 28, 1979—Start Construction.
c. June 15, 1979—Equipment Delivery.
d. June 29, 1979—Complete Construction.
e. June 30, 1979—Unit Start-Up.
f. July 1, 1979—Achieve and Demonstrate Compliance.

2. Ashland Oil, Inc. shall adopt and implement operation and maintenance procedures to maximize the control efficiency of the vapor recovery and disposal unit and

submit a copy of such procedures to the U.S. EPA by June 1, 1979.

3. Ashland Oil, Inc. shall continue to use overhead loading submerged fill as the best practicable interim system of emission reduction at its Clarksville, Indiana Terminal loading facility above mentioned so as to minimize hydrocarbon emissions, avoid any imminent and substantial endangerment to the health of persons, and minimize product spillage.

4. Ashland Oil, Inc. shall comply with the following emission monitoring and reporting on or before the dates specified below:

a. *Emission Monitoring*

(1). Ashland Oil, Inc. shall, beginning as soon as reasonably practicable, maintain a record of the quantity of volatile organic material which passes through the Clarksville, Indiana Terminal.

(2). Ashland Oil, Inc. shall, immediately following demonstrated compliance, maintain a record of any malfunctions of the vapor recovery and disposal unit (including the reasons for such malfunctions) and the down time of the flare oxidation unit, whether caused by malfunction or other causes.

b. *Reporting Requirements*

(1). No later than ten (10) days after any date for achievement of an incremental step specified in this Order, Ashland Oil, Inc. shall notify U.S. EPA in writing of its compliance or noncompliance with the requirement.

If delay is anticipated in meeting any requirement contained in this Order, Ashland Oil, Inc. shall immediately notify U.S. EPA in writing of the anticipated delay and reasons for the delay. Notification to U.S. EPA of an anticipated delay does not excuse the delay.

(2). Beginning three months after the date for achievement of the first increment of progress specified in this Order, Ashland Oil, Inc. shall submit a status report to U.S. EPA detailing the progress made during that quarter and the information required in Section 4(a) above. These reports shall be submitted on a quarterly basis until July 1, 1980.

(3). All notifications to U.S. EPA under this Order shall be made to Chief, Air Compliance Section, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2090. A copy of all submissions shall be made to the State of Indiana.

5. Ashland Oil, Inc. is hereby notified that its failure to achieve final compliance by July 1, 1979, at its Clarksville, Indiana Terminal loading facilities above mentioned may result in a requirement to pay a noncompliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Ashland will be formally notified, Pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder, of its noncompliance.

6. This order shall be terminated in accordance with Section 113(d)(8) of the Act, if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with Indiana Air Pollution Control Regulation APC-15 of the Indiana Implementation Plan no longer exists.

7. Violation of any requirement of this Order may result in one or more of the following actions:

a. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. 7413(a), (b) or (c).

b. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of Indiana Implementation Plan Air Pollution Control Regulation APC-15 in accordance with the preceding paragarph.

c. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

8. During the period of this Order, no Federal enforcement action pursuant to Section 113 of the Act, and no action under Section 304 of the Act shall be pursued where Ashland is in compliance with the terms of this Order.

9. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including but not limited to Section 303 of the Act, 42 U.S.C. 7603.

10. The provisions of this Delayed Compliance Order shall apply and be binding upon Ashland Oil, Inc., its officers, directors, agents, servants, employees, and any successors in interest; in addition, the provisions of this Delayed Compliance Order shall apply to all persons, firms, and corporations having notice of the Delayed Compliance Order and who are or who will be acting in concert and privity with the Company or its officers, directors, agents, servants, employees, and any successors in interest. Ashland Oil, Inc. shall give notice of this Delayed Compliance Order to any successors in interest prior to transfer of ownership, and shall simultaneously verify to the United States Environmental Protection Agency, Region V, Enforcement Division, that such notice has been given.

11. This Order is effective upon final promulgation in the Federal Register.

Date: ———

Administrator, U.S. Environmental Protection Agency.,

Ashland Oil, Inc. has reviewed this Order and agrees to its terms.

Date: ———

Ashland Oil, Inc.

[FR Doc. 79-19008 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1250-8]

Proposed Delayed Compliance Order for Continental Oil Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Continental Oil Company. The Order requires the Company to bring its violatile organic materials loading rack into compliance with Indiana Air Pollution Control Regulation APC-15, part of the federally approved Indiana State Implementation Plan (SIP). Because the Company is unable to comply with this regulation at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violation of the SIP regulation covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before the thirtieth day from the date of this notice and requests for a public hearing must be received on or before the fifteenth day from the date of this notice. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a pubic hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Pierre Talbert, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Continental Oil Company owns a volatile organic materials loading rack at Griffith, Indiana. The proposed Order addresses emissions from this facility, which is subject to Indiana Air Pollution Control Regulation APC-15 of the Indiana Implementation Plan. The regulation limits the emissons of volatile organic materials and is part of the federally approved Indiana State

Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

Dated: May 31, 1979.

John McGuire

Regional Administrator, Region V.

1. The text of the Order reads as follows:

U.S. Environmental Protection Agency—Region V

In the matter of: Continent Oil Company, Griffith Terminal, Griffith, Indiana. Proceeding pursuant to section 113(d) of the Clean Air Act, as amended [42 U.S.C. Section 7413(d)]. Order No. EPA–5–79–.

Introduction

This Order is issued this date pursuant to Sections 113(a), 113(d), and 114 of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereafter "Act") and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Indiana have been provided pursuant to Section 113(d)(1) of the Act.

Findings

1. On December 13, 1978, the United States Environmental Protection Agency (hereafter "U.S. EPA" or "Agency") issued a Notice of Violation (hereafter "NOV") to Continental Oil Company (hereafter Conoco) pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), for alleged violation of Indiana Air Pollution Control Regulation APC–15. The NOV cited Conoco's Griffith, Indiana Terminal located at 1900 West Avenue H, Griffith, Indiana.

2. Indiana Air Pollution Control Regulation APC–15 creates certain requirements applicable to facilities which load volatile organic materials in specifies quantities into certain tank trucks, trailers, or railroad tank cars.

3. Indiana Air Pollution Control Regulation APC–15 is part of the State of Indiana Implementation Plan, which was created under Section 110 of the Act, 42 U.S.C. 7410.

4. In satisfaction of Section 113(a)(4) of the Act, 42 U.S.C. 7413 (a)(4), an opportunity to confer with the Administrator's delegate was extended to Conoco in the NOV, and a conference was held on January 8, 1979.

5. Following the January 8, 1979, conference, Conoco, by informal discussion, stated its intent to control vapor emissions with a flare unit at its Griffith, Indiana Terminal by July 1, 1979.

6. It has been determined by the U.S. EPA that Continental Oil Company is unable to immediately comply with Indiana Air Pollution Control Regulation APC–15 of the State of Indiana Implementation Plan.

7. It has been determined by U.S. EPA that violations of Indiana Air Pollution Control Regulation have continued beyond the 30th day after the date of notification by the Director, Enforcement Division.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby agreed and Ordered that:

1. Continental Oil Company will achieve compliance by July 1, 1979, with the State of Indiana Implementation Plan Air Pollution Control Regulation APC–15 as approved by the U.S. EPA in the Federal Register on May 14, 1973, which requires the installation of a vapor collection and recovery systems or its equivalent at the volatile organic material loading rack associated with its Griffith, Indiana Terminal in accordance with the following schedule:

a. May 1, 1979—Order Neccessary Equipment
b. May 29, 1979—Start Construction
c. June 15, 1979—Equipment Delivery
d. June 22, 1979—Complete Construction
e. June 28, 1979—Unit Start-Up
f. July 1, 1979—Achieve and Demonstrate Compliance

2. Continental Oil Company shall adopt and implement operation and maintenance procedures for the flare unit and submit a copy of such procedures to the US. EPA by August 1, 1979.

3. Continental Oil Company shall continue to use bottom loading as the best practicable interim system of emission reduction at its Griffith, Indiana Terminal loading facility above mentioned so as to minimize hydrocarbon emissions, avoid any imminent and substantial endangerment to the health of persons, and minimize product spillage.

4. Continental Oil Company shall comply with the following emission monitoring and reporting requirements on or before the dates specified below:

a. *Emission Monitoring* (1). Continental Oil Company shall, beginning as soon as reasonably practicable, maintain a record of the quantity of volatile organic material which passes through the Griffith, Indiana Terminal.

(2). Continental Oil Company shall, immediately following demonstrated compliance, maintain a record of any malfunctions of the flare unit (including the reasons for such malfunctions) and the down time of the flare unit, whether caused by malfunction or other causes.

b. *Reporting Requirements* (1). No later than ten (10) days after any date for achievement of an incremental step specified in this Order, Continental Oil Company shall notify U.S. EPA in writing of its compliance or noncompliance with the requirement.

If delay is anticipated in meeting any requirement contained in this Order, Continental Oil Company shall immediately notify U.S. EPA in writing of the anticipated delay and reasons for the delay. Notification to U.S. EPA of an anticipated delay does not excuse the delay.

(2). Continental Oil Company shall, by August 1, 1979, submit performance test results associated with start up of the flare unit.

(3). Continental Oil Company shall submit a quarterly status report to U.S. EPA setting forth the throughput data required by paragraph 4.a. Such reports shall terminate following Continental Oil Company's submission covering the calendar quarter April-June, 1980.

(4). All notifications to U.S. EPA under this Order shall be made to Chief, Air Compliance Section, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353–2090. A copy of all submissions shall be made to the State of Indiana.

5. Continental Oil Company is hereby notified that its failure to achieve final compliance by July 1, 1979, at its Griffith, Indiana Terminal loading facilities above mentioned may result in a requirement to pay a noncompliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Conoco will be formally notified, pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder, of its noncompliance.

6. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator of his delegate determines on the record, after notice and hearing, that an inability to comply with Indiana Air Pollution Control Regulation APC–15 of the Indiana Implementation Plan no longer exists.

7. Violation of any requirement of this Order may result in one or more of the following actions:

a. Enforcement of such requirement pursuant to Section 113 (a), (b), or (c) of the Act, 42 U.S.C. 7413 (a), (b) or (c).

b. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of Indiana Implementation Plan Air Pollution Control Regulation APC–15 in accordance with the preceding paragraph.

c. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act.

8. During the period of this Order, no Federal enforcement action pursuant to Section 113 of the Act, and no action under Section 304 of the Act shall be pursued where Conoco is in compliance with the terms of this Order.

9. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including but not limited to Section 303 of the Act, 42 U.S.C. 7603.

10. The provisions of this Delayed Compliance Order shall apply and be binding upon Continental Oil Company, its officers, directors, agents, servants, employees, and any successors in interest; in addition, the provisions of this Delayed Compliance Order shall apply to all persons, firms, and corporations having notice of the Delayed Compliance Order and who are or who will be acting in concert and privity with the Company or its officers, directors, agents, servants, employees, and any successors in interest. Continental Oil Company shall give notice of this Delayed Compliance Order to any successors in interest prior to transfer of ownership, and shall simultaneously verify to the United States Environmental Protection Agency, Region V, Enforcement Division, that such notice has been given.

11. This Order is effective upon final promulgation in the Federal Register.

Date: ———

Administrator, U.S. Environmental Protection agency

Continental Oil Company, by the duly authorized undersigned, hereby consents to the requirements of this Order.

Date: ———

Continental Oil Company

[FR Doc. 79-19006 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1250-5]

Proposed Delayed Compliance Order for Ohio Ferro-Alloys Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Ohio Ferro-Alloys Corporation. The Order requires the Company to bring its four electric submerged arc furnaces into compliance with Ohio Regulation AP-3-07 and AP-3-12, part of the federally approved Ohio State Implementation Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by January 15, 1980. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite the public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before the thirtieth day from the date of this notice and requests for a public hearing must be received on or before the fifteenth day from the date of this notice. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary or any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Garber, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Ohio Ferro-Alloys Corporation owns four electric submerged arc furnaces at Powhatan Point, Ohio. The proposed Order addresses emissions from this facility, which is subject to AP-3-07 and AP-3-12 of the Ohio Implementation Plan. The regulations limit the emissions of particulate matter and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by January 15, 1980, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

Dated: May 31, 1979.

John McGuire,

Regional Administrator, Region V.

1. The text of the order reads as follows:

U.S. Enivornmental Protection Agency
Region V

In the matter of: Ohio Ferro-Alloys Corporation, Powhatan Point Plant, Powhatan Point, Ohio, proceeding pursuant to Section 113(d) of the Clean Air Act, as Amended [42 U.S.C. Section 7413(d)]. Order No. ———.

This Order is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereafter the "Act") and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act.

Findings

1. On November 13, 1978, the United States Environmental Protection Agency (hereafter "U.S. EPA" or "Agency") issued a Notice of Violation (hereafter "NOV") pursuant to Section 113(a)(1) of the Act [42 U.S.C. 7413(a)(1)] to Ohio Ferro-Alloys Corporation [the "Company"], upon a finding that the four electric submerged arc furnaces at its Powhatan Point, Ohio plant were in violation of Ohio Air Pollution Regulations AP-3-07 and AP-3-12. These regulations are part of the Ohio Implementation Plan as defined in Section 110(d) of the Act. The finding was based on emission factor calculations derived from data submitted by the Company to U.S. EPA, and on smoke readings performed on the subject facility by Ohio EPA personnel. A copy of this Notice was sent to the State of Ohio.

2. In satisfaction of Section 113(a)(4) of the Act an opportunity to confer with the Administrator's delegate was extended to Ohio Ferro-Alloys in the NOV, and a conference was held on the record on December 19, 1978.

3. U.S. EPA has determined that said violations have continued beyond the 30th day after the date said NOV was received.

4. It has been determined that Ohio Ferro-Alloys is unable to immediately comply with Regulations AP-3-07 and AP-3-12 of the Ohio Implementation Plan.

5. After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as

practicable and that the terms of the Order comply with Section 113(d) of the Act.

Therefore, it is hereby Ordered that;

Order

1. Ohio Ferro-Alloys Corporation shall achieve compliance with the Ohio Implementation Plan Regulations AP-3-07 and AP-3-12, as approved by the Administrator on April 15, 1974, in accordance with the following schedule. The compliance program shall include installation of canopy hoods on Furnaces. #1—4, connecting ductwork into the existing pollution control system, and additional pollution control equipment on or before the dates specified:

1. November 17, 1978—Begin installation of canopy hood and ductwork on Furnace #1.*

2. December 26, 1978—Begin installation of bags on #2 collector.*

3. January 9, 1979—Submit to U.S. EPA design calculations and drawings for hoods and ductwork and operating and maintenance procedures for collectors.*

4. January 23, 1979—Receive hood for Furnace #3.*

5. January 25, 1979—Complete installation of bags and start up #2 collector.*

6. January 29, 1979—Complete installation of hood and ductwork and start up of Furnace#1.*

7. Janauary 30, 1979—Order third hood.*

8. February 1, 1979—Shut down #3 Furnace and begin installation of hood and ductwork.*

9. March 15, 1979—Complete installation of hood and ductwork on Furnace #3.*

Start engineering for move of two collector units (18 compartments) from Brilliant, Ohio plant to Powhatan plant.

10 April 1, 1979—Shut down Furnace #2 and begin installation of hood and ductwork on Furnace #2.

11. April 10, 1979—Order hood for #4 Furnace.

12. May 15, 1979—Complete installation of hood and duckwork on Furnace #2. Complete engineering to move collector units from Brilliant to Powhatan.

13. June 1, 1979—Shut down Furnace #4 and begin installation of hood and ductwork on Furnace #4. Complete necessary maintenance work to assure accuracy of all temperature and pressure drop instrumentation on collector units.

14. July 15, 1979—Complete installation of hood and duckwork on Furnace #4.

15. August 1, 1979—Begin installation of additional collector units at Powhatan *unless prior to this date* Ohio Ferro-Alloys Corporation demonstrates to U.S. EPA that its Powhatan Point facilities are in compliance with Regulation AP-3-07 of the Ohio Implementation Plan, in accordance with the following procedure:

A. Such demonstration shall consist of at least four sets of visible emissions readings conducted on four separate days by U.S. EPA certified smoke readers in accordance with Method 9, Appendix A of 40 CFR, Part 60, of emissions from collector exhaust vents, during a two week period of simultaneous operation of *all four furnaces*, under representative operating conditions, with the melt shop roof monitor completely sealed.

B. Notwithstanding subparagraph (A) above, if, on or before June 1, 1979, Ohio Ferro-Alloys certifies in writing to U.S. EPA that it shall thereafter operate no more than three furnaces simultaneously at its Powhatan Point plant, such demonstration of compliance may be made during a two week period of simultaneous operation of three furnaces (Furnace #4 plus any two additional furnaces).

C. The Company shall make any request for EPA smoke readings at least ten (10) days in advance of the intended demonstration date. Ten (10) days advance notice shall also be given to Ohio EPA to afford the State opportunity to have observers present.

16. Demonstration of compliance at the Powhatan facilities with AP-3-07 using the existing collectors prior to August 1, 1979, in accordance with paragraph 15.A., does not relieve Ohio Ferro-Alloys of a continuing obligation to maintain compliance with all applicable Ohio air pollution regulations. Failure to maintain such compliance subsequent to August 1, 1979, due to insufficient collection capacity of the existing control equipment, is a violation of this Order. Such violations shall be excused only if installation of additional collector units at Powhatan is completed and compliance with AP-3-07 and AP-3-12 is achieved and demonstrated in accordance with paragraphs 16 and 17, respectively, of this Order.

17. December 15, 1979—Complete installation of collector units.

18. January 15, 1980—Achieve and demonstrate compliance with AP-3-07 in accordance with the method and procedures set forth in paragraph I.15.A of this Order. Achieve compliance with AP-3-12.

II. Pursuant to Section 113(d)(7) of the Act, Ohio Ferro-Alloys shall comply with the following requirements which are determined to be reasonable and to constitute the best practicable means of reducing emissions during the period this Order is in effect:

A. After January 19, 1979, the five existing collectors at Powhatan shall be operated continuously except for necessary shutdowns due to malfunctions or replacement of bags.

B. After August 1, 1979, if shutdown of a collector is required for replacement of dacron bags with high temperature (Nomex) bags or installation of additional dampers, the corresponding furnace shall be shut down during that period so as to maintain compliance with Regulation AP-3-07. Notification of the decision to replace bags shall be made immediately to Ohio EPA and U.S. EPA.

C. The Company shall operate and maintain all process and pollution control equipment in such manner so as to maximize the removal of pollutants.

D. Furnace tapping cycles will be staggered so as to maximize capture of tapping and blowing emissions.

III. Pursuant to the authority granted in Sections 113(d)(1)(c) and 114(a)(1) of the Act, Ohio Ferro-Alloys Corporation shall comply with the following emissions monitoring and reporting requirements on or before the dates specified:

A. Employees shall inspect each collector unit daily; a daily record of collector operating parameters shall be made in the form shown in Exhibit 1 attached hereto and hereby made a part of this Order. A central chronological file shall be established for all operating and maintenance records, including, but not limited to the daily inspection reports required by this paragraph.

B. The Company shall immediately report all malfunctions of pollution control equipment to Ohio EPA.

C. Beginning three months after this Order is entered into and every calendar quarter thereafter, Ohio Ferro-Alloys shall submit a written report to U.S. EPA summarizing the data contained in the daily operating reports and all maintenance performed on pollution control equipment during the quarter. Such report will list all malfunctions which have occurred during the quarter giving the nature and cause of such malfunction, the time period during which control efficiency was decreased and the corrective action taken.

D. No later than ten days after any date for achievement of an incremental step specified in this Order, the Company shall notify U.S. EPA in writing of its compliance or noncompliance with the requirements and the reasons for any failure to comply. Such notification shall further contain, where applicable, an ongoing evaluation of the collection system as completed up to that point in time, including but not limited to:

—capture efficiency of hoods
—projected need for additional collection capacity
—estimated "worst condition" temperature of gases at collector intake and need for bag replacement
—estimated need for improved damper controls.

If delay is anticipated in meeting a requirement, the Company shall immediately notify U.S. EPA in writing of the anticipated delay and the reasons therefor. Such prior notification does not necessarily excuse the delay but shall be a factor in determining whether deviations from this compliance schedule are reasonable.

E. All data required to be recorded by this Order shall be retained for a period of two years and made available for inspection by U.S. EPA or its agents upon request.

IV. All submittals, notifications and reports to U.S. EPA pursuant to this Order shall be made to Mr. Eric Cohen, Chief, Compliance Section, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

V. Nothing contained in these Findings or Order shall affect Ohio Ferro-Alloys' responsibility to comply with State or local laws or regulations or other Federal laws or regulations.

VI. Ohio Ferro-Alloys Corporation is hereby notified that its failure to achieve final compliance by the dates specified in this Order, at the Powhatan Point, Ohio facility may result in a requirement to pay a noncompliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Ohio Ferro-Alloys will

* Has been completed prior to issuance of this Order.

be formally notified, pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder, of its noncompliance.

VII. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with the applicable Ohio Implementation Plan no longer exists.

VIII. This schedule is protected by Section 113(d)(10) against Federal enforcement action and citizen suits under Section 304 until April 15, 1980, where the owner or operator of said source is in compliance with the terms of such Order.

IX. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7503.

X. This Order is effective upon promulgation in the Federal Register.

Date: ————

————,

Regional Administrator, U.S. Environmental Protection Agency.

Ohio Ferro-Alloys Corporation, by the duly authorized undersigned, hereby consents to the provisions of this Order and believes it to be a reasonable means by which its Powhatan Point facilities can achieve compliance with the Ohio Implementation Plan. Ohio Ferro-Alloys Corporation further waives any and all rights under any provisions of Law to challenge this Order.

Ohio Ferro-Alloys Corporation

Date: ————.

By: ————.

[FR Doc. 79-19005 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1250-6]

Proposed Delayed Compliance Order for Shell Oil Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Shell Oil Company. The Order requires the Company to bring its volatile organic material loading rack into compliance with Indiana Air Pollution Control Regulation APC-15 part of the federally approved Indiana State Implementation Plan (SIP). Because the Company is unable to comply with this regulation at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (Act) for violation of the SIP regulation covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before the thirtieth day from the date of this notice and requests for a public hearing must be received on or before the fifteenth day from the date of this notice. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSEES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copies (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Pierre Talbert, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Shell Oil Company owns a volatile organic material loading rack at Hammond, Indiana. The proposed Order addresses emissions from this facility, which is subject to APC-15 of the Indiana Implementation Plan. The regulation limits the emissions of volatile organic materials and is part of the federally approved Indiana Implementaion Plan. The Order requires final compliance with the regulation by July 1, 1979 and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

Dated: May 31, 1979.

John McGuire,

Regional Administrator Region V.

1. The text of the Order reads as follows:

U.S. Environmental Protection Agency
Region V

In the matter of: Shell Oil Company, Hammond Terminal, Hammond, Indiana. Proceeding Pursuant to Section 133(d) of the Clean Air Act, as Amended 42 U.S.C. Section 7413(d); Order No.

Introduction

This Order is issued this date pursuant to Section 113(a), 113(d), and 114 of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereafter the "Act") and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Indiana have been provided pursuant to Section 113(d)(1) of the Act.

Findings

1. On January 12, 1979, the United States Environmental Protection Agency (hereafter "U.S. EPA" or "Agency") issued a Notice of Violation (hereafter "NOV") to the Shell Oil Company (hereafter "Shell" or the "Company") pursuant to Section 113 (a)(1) of the Act, 42 U.S.C. 7413(a)(1), for alleged violation of Indiana Air Pollution Control Regulation APC-15.

2. Indiana Air Pollution Control Regulation APC-15 deals with the control of volatile organic materials and creates certain requirements applicable to facilities which load volatile organic materials in specified quantities into any tank truck, trailer or railroad tank car.

3. Indiana Air Pollution Control Regulation APC-15 is part of the State of Indiana Implementation Plan, which was created under Section 110 of the Act, 42 U.S.C. 7410.

4. In satisfaction of Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4), an opportunity to confer with the Administrator's delegate was extended to Shell in the NOV, and conferences was held on February 22, 1979.

5. At the February 22, 1979, conference, after noting that Shell's Hammond Terminal is in compliance with the interpretation of the Indiana State Implementation Plan as represented and followed by the staff of the Indiana Air Pollution Control Board, Shell and others, Shell agreed to make necessary modification to the Hammond Terminal's volatile organic materials loading rack and install necessary additional equipment to tie-in the loading rack to a vapor recovery and disposal system already in existence at the

Hammond Terminal by July 1, 1979. This action will comply with U.S. EPA's interpretation of its regulation and avoid the expense and delay of litigation.

6. It has been determined by the U.S. EPA that the Shell Oil Company is unable to immediately comply with Indiana Air Pollution Control Regulation PAC-15 of the State of Indiana Implementation Plan.

7. U.S. EPA has determined that said violations have continued beyond the thirtieth day after the date of the Enforcement Director's notification.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

1. Shell Oil Company will achieve compliance by July 1, 1979, with the State of Indiana Implementation Plan Air Pollution Control Regulation APC-15 as approved by the U.S. EPA in the Federal Register on May 14, 1973, which requires a vapor collection and recovery system at the loading rack associated with Shell Oil Company's Hammond, Indiana, facility in accordance with the following schedule:

a. *December 1, 1978*—Place equipment orders.

b. *December 18, 1978*—Equipment received; start construction and installation.

c. *June 30, 1979*—Complete construction; start operation.

d. *July 1, 1979*—Complete manufacturer's performance tests, submit results, achieve and demonstrate compliance.

2. Shell Oil Company shall adopt and implement operation and maintenance procedures to maximize the control efficiency of the vapor collection and recovery system and submit a copy of such procedures to the U.S. EPA.

3. Shell Oil Company shall continue to use top loading submerged fill as the best practicable interim system of emission reduction at its Hammond, Indiana, loading facility so as to minimize hydrocarbon emissions, avoid any imminent and substantial endangerment to the health of persons, and minimize product spillage.

4. Shell Oil Company shall comply with the following emission monitoring and reporting requirements on or before the dates specified below:

a. *Emission Monitoring.*

(1). Shell Oil Company shall, beginning on the effective date of this Order, maintain a record of the quantity of gasoline which passes through the loading facility quarterly.

(2). Shell shall, beginning on the effective date of this Order, maintain a record of any malfunctions of the vapor recovery and disposal system (including the reasons for such malfunctions) and the down time of the vapor recovery and disposal system, whether caused by malfunctions or other causes.

b. *Reporting Requirements.*

(1). Beginning on the effective date of this Order, Shell shall notify U.S. EPA in writing of its achievement or nonachievement of an incremental step of the compliance schedule in this Order no later than fifteen (15) days after the date specified for achievement of that step.

If Shell fails to complete any of the actions required by the dates specified in the Order, it shall include a detailed explanation of such failure in the notification required in this paragraph 4.b.(1).

(2). Shell shall, beginning with the effective date of this Order, report on a quarterly basis the information required to be maintained under paragraph 4.a. of this Order. Such reporting requirement shall terminate following Shell's submission covering the calendar quarter April-June, 1980.

(3). All submittals, notifications and reports to U.S. EPA pursuant to this Order shall be made to Mr. Eric Cohen, Chief, Compliance Section, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. In addition, all submittals, notifications and reports pursuant to this Order shall be made to the Indiana Air Pollution Control Board.

5. Nothing contained in these Findings or Order shall affect Shell Oil Company's responsibility to comply with State or local laws or regulations or other Federal laws or regulations.

6. Shell Oil Company is hereby notified that its failure to achieve final compliance by July 1, 1979, at the Hammond, Indiana, loading facility may result in a requirement to pay a noncompliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Shell will be formally notified, pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder, of its noncompliance.

7. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with Indiana Air Pollution Control Regulation APC-15 of the Indiana Implementation Plan no longer exists.

8. Violation of any requirement of this Order shall result in one or more of the following actions:

a. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. 7413(a), (b), or (c), including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

b. Revocation of this Order, after notice and opportunity or a public hearing, and subsequent enforcement of Indiana Implementation Plan Air Pollution Control Regulation APC-15, in accordance with the preceding paragraph.

c. If such violation occurs on or after July 1, 1979, notice of non-compliance and subsequent action pursuant to Section 120 of the Act.

9. This schedule is protected by Section 113(d)(10) against Federal enforcement action and citizen suits under Section 304 until July 1, 1979, where Shell Oil Company is in compliance with the terms of such Order.

10. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7503.

11. The provisions of this Delayed Compliance Order shall apply and be binding upon the Company, its officers, directors, agents, servants, employees and any successors in interest; in addition, the provisions of this Delayed Compliance Order shall apply to all persons, firms, and corporations having notice of the Delayed Compliance Order and who are or who will be acting in concert and privity with the Company or its officers, directors, agents, servants, employees, and any successors in interest. The Company shall give notice of this Delayed Compliance Order to any successors in interest prior to transfer of ownership, and shall simultaneously verify to the United States Environmental Protection Agency, Region V, Enforcement Division, that such notice has been given.

12. This Order is entered into and Shell's consent to it is made for the sole purpose of settlement of this matter by compromise to avoid the expense and delay of contesting the asserted violations. Such consent shall not be deemed a waiver by Shell of any right it may have to contest U.S. EPA's findings or assertions that Shell is in violation of the regulation or contest the applicability of the regulation to Shell. However, Shell has specifically agreed to the terms of this Order and shall not be entitled to challenge any of the terms in an action to enforce the Order.

13. This Order is effective upon final promulgation in the Federal Register.

Date: ———

Administrator, U.S. Environmental Protection Agency.

Consent to Issuance of Order

Shell Oil Company, by the duly authorized undersigned, hereby consents to the provisions of this Order, and believes it to be a reasonable means by which the Hammond, Indiana facility can achieve compliance with Indiana Air Pollution Control Regulation APC-15 as interpreted by the U.S. EPA.

Date: ———

Shell Oil Company.

[FR Doc. 79-19007 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1249-6]

Proposed Approval of an Administrative Order Issued By Ohio Environmental Protection Agency To Cooper Tire & Rubber Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Cooper Tire and Rubber Company. The Order requires the company to bring air emissions from its coal-fired boilers in Findlay, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order shall constitute an addition to the SIP. In addition, a source in compliance with an approved Order May not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed compliance Order.

DATES: Written comments must be received on or before July 19, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353–2082.

SUPPLEMENTARY INFORMATION: Cooper Tire and Rubber Company operates a coal-fired boiler at Findlay, Ohio. The Order under consideration addresses emissions from this boiler, which is subject to OAC–3745–17–07. The regulation limits the amount of visible emissions, and is part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 30, 1979 through use of coal with a quality better than or equal to that specified in Part 3 of the Order and the installation of a new type ash handling system. This company is allowed to achieve final compliance by July 30, 1979 since it was previously granted a variance which required compliance by April 15, 1977. This company could have been allowed to April 15, 1980 to achieve compliance under a 113(d) Order, but is completing its program expeditiously and will be finished by July 30, 1979.

Because this Order has been issued to a major source of visible emissions and permits a delay in compliance with the applicable regulation, it must be approved by U.S. EPA before it becomes effective as a Delayed compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP. However, in the event final compliance is not achieved by July 1, 1979, source compliance with the Order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

Dated: May 31,1979.

John McGuire,

Regional Administrator.

The text of the Order reads as follows:

Before the Ohio Environmental Protection Agency

Order

In the Matter of: Cooper Tire & Rubber Company, Lima & Western Avenues, Findlay, OH 45849.

The Director of Environmental Protection (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (S) and (I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act:

Findings of Fact

1. Cooper Tire & Rubber Company (hereinafter Cooper Tire), operates a coal fired boiler (B004) which serves its facility located at Lima and Western Avenues, Findlay, Ohio 45840.

2. In the course of operation of said coal fired boiler (B004), air contaminants are emitted in violation of OAC–3745–17–07.

3. Cooper Tire is unable to immediately comply with OAC–3745–17–07.

4. Potential emissions of particulates from Cooper Tire are approximately 1241 tons per year; therefore, Cooper Tire constitutes a major stationary source or facility under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Orders below requires compliance with OAC–3745–17–07 as expeditiously as practicable.

6. Implementation by Cooper Tire of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (S) and (I) of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Cooper Tire shall bring its coal boiler (B004) located at Lima & Western Avenues, Findlay, Ohio, into final compliance with OAC–3745–17–07 by (A) burning a coal with a quality better than or equal to that specified in Order (3) below, (B) installing new boiler instrumentation equipment, and (C) installing a new type ash handling system, no later than July 30, 1979.

2. Compliance with Order (1) above shall be achieved by Cooper Tire in accordance with the following schedule on or before the dates specified:

Submit final control plans: complete
Award contract(s): complete
Begin construction: February 1, 1979
Complete construction: July 16, 1979
Achieve final compliance with OAC–3745–17–07: July 30, 1979.

3. Pending achievement of compliance with Order (1) above, Cooper Tire shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system(s) of emission reduction and which are necessary to ensure compliance with OAC–3745–17–07 insofar as Cooper Tire is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Cooper Tire shall immediately use coal with an analysis of: less than or equal to 9.2 percent ash, and greater than or equal to 12,000 BTU.

b. Cooper Tire shall immediately institute a regular maintenance program to minimize emissions from coal boiler (B004).

c. Cooper Tire shall continue to use the multiple cyclones to minimize emissions from the coal boiler (B004).

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Cooper Tire shall submit a written progress report to the Northwest District Office. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved.

On a monthly basis, Cooper Tire shall submit a written report to the Northwest District Office concening any excursions above the 20 percent opacity limitation in OAC Rule 3745-17-07, the maintenance and operation of the coal boiler, and the analysis of the coal burned. Cooper Tire shall keep on file all monitoring data for a minimum of three years.

5. Cooper Tire shall continue to properly operate and maintain a continuous recording opacity monitor and comply with any other emission monitoring and reporting required by Chapter 3704 of the Ohio Revised Code and the regulations promulgated thereunder.

6. Cooper Tire is hereby notifed that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Dated: February 12, 1979.

James F. McAvoy,

Director of Environmental Protection.

Waiver

The Cooper Tire & Rubber Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Cooper Tire & Rubber Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Cooper Tire & Rubber Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

Dated: November 13, 1978.

W. P. Zimmerman,

Corporate Director Facilities Engineering.

[FR Doc. 79-18975 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1247-4]

Proposed Approval of an Administrative Order Issued By Ohio Environmental Protection Agency To Fox Paper, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Fox Paper, Inc. The Order requires the company to bring air emissions from its two coal-fired boilers in Lockland, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before July 19, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2082.

SUPPLEMENTARY INFORMATION: Fox Paper, Inc. operates a paper mill at Lockland, Ohio. The Order under consideration addresses emissions from two coal-fired boilers at the facility, which are subject to OAC 3745-17-07 and OAC 3745-17-10. The regulations limit the emissions of particulate matter emissions, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979 by the installation of an electrostatic precipitator and mechanical collector.

Because this Order has been issued to a major source of particulate matter emission and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Orer is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: May 31, 1979.

John McGuire,

Regional Administrator.

The text of the Orders reads as follows:

Before the Ohio Environmental Protection Agency

In the Matter of: Fox Paper, Inc., Case No. 77-AV-116.

Stipulation

The parties hereto, Fox Paper, Inc. and the Ohio Environmental Protection Agency hereby stipulate as follows:

1. The Order attached hereto represents the culmination of discussions had for the purpose of resolving the issues of fact and law in this proceeding.

2. The Order is supported by reliable, probative, and substantial evidence, and is in accordance with law.

3. The Director may issue the Order by signing it and entering it upon his Journal.

4. Pursuant to Section 113(d)(2) of the Clean Air Act, as amended, the order shall not take effect until the Administrator of the United States Environmental Protection Agency determines that it has been issued in accordance with the requirements of the Clean Air Act, as amended.

5. Upon the effective date of the Order, Fox Paper, Inc. will be deemed to have withdrawn its request for an adjudication hearing, and the above-captioned proceedings shall be dismissed.

Colleen K. Nissl

Assistant Attorney General Counsel for the Ohio Environmental Protection Agency.

Clement A. Durna,

Fox Paper, Inc., Sr. Vice President Operations, Erving Paper Mills.

Before the Ohio Environmental Protection Agency

In the Matter of: Fox Paper, Inc. [Erving Paper Mills], P.O. Box 15099 Lockland, Cincinnati, Ohio 45215, Case No. 77-AV-116.

Order

The Director of Environmental Protection (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03(I) and 3704.03(S) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. Fox Paper, Inc., owned by Erving Paper Mills (hereinafter "Fox"), operates two coal-fired boilers, which serve its facility located at Cooper and Lock Streets, Lockland, Ohio 45215.

2. These boilers are identified as follows:

Boiler No. 2, Application No. 1431260171 B002, Babcock & Wilcox coal-fired underfeed stoker boiler with maximum rated heat input of 69 million BTU per hour.

Boiler No. 3, Application No. 1431260171 B003, Babcock & Wilcox Model No. FH18 pulverized coal-fired boiler with a maximum rated heat input of 97 million BTU per hour.

3. In the course of operation of said boilers, air contaminants are emitted in violation of OAC 3745-17-07 and OAC 3745-17-10.

4. The Director proposed to deny the applications for variances on April 22, 1977.

5. Fox is unable to immediately comply with the above-cited regulations.

6. Potential emissions of particulates from the two boilers are over 100 tons per year; therefore, Fox constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

7. The Compliance Schedule set forth in the Orders below requires compliance with OAC 3745-17-07 and OAC 3745-17-10 as expeditiously as practicable.

8. Implementation by Fox of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

9. Fox is using and will continue to use coal of sufficiently low sulfur content to maintain their existing status of compliance with federal promulgated sulfur oxide standards (U.S. Environmental Protection Agency Sulfur Oxide Plan for Ohio, 41 FR 36324 (August 27, 1976)).

10. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03(I) and 3704.03(S) of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Fox shall bring its coal-fired boilers into compliance with OAC 3745-17-10 and OAC 3745-17-07 by the installation of an electrostatic precipitator and mechanical collector no later than July 1, 1979.

2. Compliance with Order (1) above, shall be achieved by Fox in accordance with the following schedule on or before the dates specified:

Implementation Schedule

1. Preliminary engineering survey to be completed by February 15, 1978—Completed.

2. Electrostatic precipitator for Boiler B003 on order in April, 1978—Completed.

3. Drawing approval by June 1, 1978—Completed.

4. Construction of dust collector for Boiler B002 to begin by June 15, 1978—Completed.

5. Final engineering complete by July 15, 1978—Completed.

6. Construction contracts for structural, mechanical and electrical work awarded before August 15, 1978—Completed.

7. Contracts for mechanical and electrical work sent out and completion of work by June 1, 1979.

8. Construction of mechanical collector for Boiler B002 started on October 16, 1978 and completed by June 1, 1979.

9. Preparatory construction for electrostatic precipitator to begin October 1, 1978.

10. Preparatory construction for electrostatic precipitator completed by December 1, 1978.

11. Electrostatic precipitator to be delivered by January 1, 1979.

12. Installation of electrostatic precipitator to begin March 1, 1979.

13. Complete installation of electrostatic precipitator by June 1, 1979.

14. Testing June 1, 1979, results submitted by July 1, 1979.

15. Achieve final compliance with OAC Sections 3745-17-07 and 3745-17-10.

3. Pending achievement of compliance with Order (1) above, Fox shall use the best practicable systems of emission reduction for the period during which this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim measures shall include:

a. The use of coal with analysis of: less than or equal to seven (7) to twelve (12) percent ash; less than or equal to one (1) percent sulfur; greater than or equal to 12,800 BTU per pound of coal;

b. Equipping each boiler with opacity instrumentation and recorders and oxygen anayses and recorders which have been ordered by Fox, and subsequent operation of said instrumentation; and

c. Regular maintenance of the boilers.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the Compliance Schedule in Order (2) above, Fox shall submit a written progress report to the Cincinnati Division of Air Pollution Control. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. If the progress dates have not been met, Fox shall indicate why the milestones have not been met.

5. Fox shall comply with any other emission monitoring and reporting required by Chapter 3704 of the Ohio Revised Code and the regulations promulgated thereunder.

6. On a quarterly basis, Fox shall report to the Cincinnati Air Pollution Control Agency any excursions above the 20 percent opacity limitation set out in OAC 3745-17-07. Fox shall keep on file all stack monitoring data for a minimum of two years.

7. Emission tests at the normal rate of operation and at the maximum rate of operation shall be conducted upon both boilers to verify compliance with Order (1) above. Such tests shall be conducted no later than the date specified in the compliance schedule in Order (2) above, in accordance with procedures approved by the Director. Written notification of intent to test shall be provided to the Cincinnati Air Pollution Control Agency thirty (30) days prior to the testing date.

8. Fox shall apply for and obtain permits to operate the boilers in accordance with OAC 3745-35-02, at the expiration of this Order.

9. Fox is hereby notified that unless it is exempted under Section 120(a)(2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above, by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These Orders will not take effect until the Administrator of the United States Environmental Protection Agency has

approved their issuance under the Clean Air Act.

James F. McAvoy,

Director of Environmental Protection.

Waiver

Fox Paper, Inc. agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. Fox Paper, Inc. hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity.

Clement A. Durna,

Representative for Fox Paper, Inc. (Erving Paper), Sr. Vice President Operations, Erving Paper Mills.

[FR Doc. 79-18979 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1249-7]

Proposed Approval of an Administrative Order Issued By Ohio Environmental Protection Agency To B. F. Goodrich Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to B. F. Goodrich Company. The Order requires the company to bring air emissions from its coal-fired steam generating boiler in Akron, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before July 19, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcment Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2082.

SUPPLEMENTARY INFORMATION: B.F. Goodrich Company operates a coal-fired steam generating boiler at Akron, Ohio. The Order under consideration addresses emissions from this facility, which is subject to OAC-3745-17-07 and OAC-3745-17-10. The regulations limit the emissions of particulate matter and visible emissions, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979, by converting the boilers from coal firing to oil firing.

Because this Order has been issued to a major source of particulate matter emissions and visible emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: May 31, 1979.

John McGuire,

Regional Administrator.

The text of the Order reads as follows:

Before the Ohio Environmental Protection Agency

Order

In the matter of: The B.F. Goodrich Company, 500 South Main Street, Akron, Ohio 44318.

The Director of Environmental Protection (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Section 3704.03(S) and Section 3704.03(I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clear Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Order which will not take effect until the Administrator of the United States Environmental Protection Agency has approved its issuance under the Clean Air Act, as amended.

Findings of Fact

1. The B.F. Goodrich Company (hearinafter "Goodrich") operates a coal-fired steam generating boiler designated as boiler number 31 which serves its facilities located at 500 South Main Street, Akron, Ohio 44318.

2. This boiler is identified as follows:

Boiler No. 31, application No. 1677010051 B002, coal-fired spreader stoker.

3. In the course of operation of said boiler, particulate matter is emitted in violation of OAC 3745-17-10 and OAC 3745-17-07.

4. Said boiler is unable to comply immediately with OAC 3745-17-10 and OAC 3745-17-07.

5. The Director proposed to deny the application for a variance on November 29, 1976.

6. Potential emissions of particulate matter from said boiler are greater than 100 tons per year. Therefore, said boiler constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

7. The compliance schedule set forth in the Orders below require ultimate compliance by said boiler with OAC 3745-17-10 and 3745-17-07 as expeditiously as practicable.

8. Implementation by Goodrich of the requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

9. On November 11, 1976, Goodrich and the City of Akron, Ohio, executed an agreement whereby Goodrich agreed to purchase for a period of twenty-five years (with the right to five renewal periods of five years each) excess steam generated by ARES, a project for producing steam using combustible solid waste as a principal fuel source, not needed by other customers of ARES up to Goodrich's total steam requirements for all of its plants and offices located at or contiguous with 500 South Main Street, Akron, Ohio.

This agreement for excess steam constituted a commitment by Goodrich which was essential to the undertaking of the ARES project by the City of Akron. The effect of this agreement for excess steam was to enable and to allow the City of Akron to finance the construction of ARES in that the agreement provided assurance of a substantial customer for steam on a year round basis. ARES is to be completed about July 1, 1979, and after its completion, Goodrich expects to purchase significant

portions of the steam necessary for its operations from ARES thereby reducing the level of its own boiler operations. Reliance by Goodrich on steam from ARES will reduce the use of boiler number 31 after it is switched to compliance fuel and boiler number 31 will then be used primarily for peaking and in the event of a breakdown of the other boiler or the ARES system.

10. It is technically and economically unreasonable to require Goodrich to install and operate a continuous opacity monitoring system on boiler number 31 prior to achieving compliance with the Orders specified below, since Goodrich is currently unable to comply with the requirements of OAC 3745-17-07 pertaining to visible emissions, no data would be produced which is not already known, and therefore, no purpose would be served by requiring monitoring during the interim compliance period.

11. The Director's determination to issue the Order set forth below is based upon his consideration of reliable, probative, and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Order, and their relation to benefits to the people of the State of Ohio to be derived from such compliance.

Order

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Order pursuant to Sections 3704.03(S) and 3704.03(I) of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act, as amended.

1. Goodrich shall bring its boiler number 31 into final compliance with OAC 3745-17-10 and 3745-17-07 by July 1, 1979 by converting it from coal firing to oil firing as expeditiously as practicable but not later than July 1, 1979.

2. Compliance with Order (1) above shall be achieved by Goodrich in accordance with the following schedule on or before the dates specified:

a. January 1, 1979; complete drawings for boiler modifications necessary to convert boiler number 31 from a coal firing to an oil firing boiler.

b. February 1, 1979; complete equipment specifications and bills of materials for items and equipment required for boiler modifications necessary to convert boiler number 31 from a coal firing to an oil firing boiler.

c. March 1, 1979; complete procurement of items and equipment required for boiler modifications necessary to convert boiler number 31 from a coal firing to an oil firing boiler.

d. April 30, 1979; shutdown boiler number 31 and begin construction of modifications required to convert boiler number 31 from a coal firing to an oil firing boiler.

e. July 1, 1979; complete modifications necessary to convert boiler number 31 from a coal firing to an oil firing boiler and achieve final compliance with OAC 3745-17-10 and 3745-17-07.

3. Pending achievement of compliance with this Order, Goodrich shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system of emission reduction, and which are necessary to ensure compliance with OAC 3745-17-10 and OAC 3745-17-07 insofar as Goodrich is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Goodrich shall conduct a regular maintenance program to minimize emissions from boiler number 31.

b. Goodrich shall continue to use the multiclone control systems to minimize particulate emissions from boiler number 31.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Goodrich shall submit a written progress report to the Akron Air Pollution Agency. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall also indicate the status of compliance with the interim control requirements in Order (3) above.

5. Goodrich shall apply for and obtain permit to operate the boiler in accordance with OAC 3745-35-02.

6. Goodrich is hereby notified that unless it is exempted under Sections 120(a)(2)(B) and (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above, by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended. Goodrich does not waive any right to contest the validity or appropriateness of any such penalty.

This Order will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Dated: May 2, 1979.

James F. McAvoy,

Director of the Ohio Environmental Protection Agency.

Waiver

The B.F. Goodrich Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The B.F. Goodrich Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. B.F. Goodrich also waives its rights to seek judicial review of any U.S. EPA approval without change of said Findings and Orders or to seek a stay of enforcement pending judicial review of Ohio's Air Implementation Plan.

Dated: February 20, 1979.

Robert J. Jawett,

Vice President, Research & Development.

[FR Doc. 79-18980 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1247-7]

Proposed Delayed Compliance Order for Amoco Oil Co.

Correction

In FR Doc. 79-18745 appearing at page 34522 in the issue for Friday, June 15, 1979; on page 18746, first column, the first sentence under DATES should read: "Written comments must be received on or before July 16, 1979 and requests for a public hearing must be received on or before July 2, 1979."

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[45 CFR, Part 233]

Financial Assistance Programs—Need and Amount of Assistance; Using Equity Value for Resources

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Social Security Administration plans to recommend to the Secretary that a proposed regulation be published to clarify its policy on evaluating real and personal property of an applicant applying for, or a recipient receiving, public assistance.

The proposed regulation will preclude a State, in determining the amount of an applicant's or recipient's allowable resources (real or personal property), from counting as available the market value of property without regard to existing encumbrances. Thus, in evaluating real and personal property, only an applicant's or recipient's equity in property—defined as fair market value less encumbrances—can be taken into consideration in determining the amount of allowable resources. This policy reflects the court decision in *NWRO* v. *Mathews* (553 F. 2d 637).

The proposed regulation would affect applicants and recipients of AFDC, and of the adult assistance titles of the Social Security Act (titles I, X, XIV, and

XVI (AABD)] administered in Guam, Puerto Rico, and the Virgin Islands.

This proposed regulation will amend 45 CFR 233.20.

The Department of Health, Education, and Welfare has classified the regulation as policy significant.

FOR FURTHER INFORMATION CONTACT: Mrs. Juanita Henderson, 330 C Street, S.W., Washington, D.C. 20201, (202) 245–0203.

Dated: June 1, 1979.

Robert P. Bynum,

Acting Commissioner of Social Security.

[FR Doc. 79-19079 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-07-M

Notices

Federal Register
Vol. 44, No. 119
Tuesday, June 19, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Cash in Lieu of Commodities; Value of Donated Commodities for School Year 1979

Section 6(b) of the National School Lunch Act, as amended (7 U.S.C. 1755) and the regulations governing cash in lieu of commodities (7 CFR Part 240) require the Secretary of Agriculture to make an estimate not later than May 15, 1979, of the value of agricultural commodities and other foods that will be delivered to States under the food donation regulations (7 CFR Part 250) during the school year ending June 30, 1979, for use in lunch programs by schools participating in the National School Lunch Program. If the estimated value is less than the total level of assistance authorized under Section 6(e) of the Act, as amended, for the school year ending June 30, 1979, the Secretary is required to pay to each State administering agency, not later than June 15, 1979, an amount of funds that is equal to the difference between the value of such deliveries as then programmed for each State and the total level of assistance authorized for such State under Section 6(e)

For school year 1979, the adjusted minimum national average value per lunch of donated foods or payment of cash in lieu thereof has been established under Section 6(e) at 13.75 cents per lunch (43 FR 31419) and, in accordance with these requirements, the Secretary has determined that $599,840,079 in commodities will be delivered nationally by June 30, 1979. Notice is hereby given, therefore, that no shortfall cash payments will be made for the school year ending June 30, 1979 (7 CFR Part 240)

On January 29, 1979, the amount of commodities needed to meet the requirements of Section 6(e) was revised to reflect increased participation trends, and commodities were shipped to State against their share of the revised national entitlement level of $599,426,784. By May 15 commodities valued at $599,804,079 had been purchased for shipment by June 30 to meet these requirements. However, during the May 15 review, later participation reports indicated the growth would be somewhat less than expected in January, and that the national commodity assistance level would be only $596,798,845. It was decided that since States had been given an entitlement figure based on the higher national figure of $599,426,784, it would be unfair to lower entitlements at this time. Therefore, no further adjustments will be made for the 1979 school year.

Effective Date: This notice shall become effective June 15, 1979. Dated: June 14, 1979.

Bob Greenstein,

Acting Administrator.

Carol Tucker Foremen,

Assistant Secretary.

[FR Doc. 79-19046 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-30-M

Office of the Secretary

Change in Boundary of Ozark National Forest, Ark.

Pursuant to authority vested in me by Section 11 of the Act of March 1, 1911 (36 Stat. 961) as amended, and the delegation of authority and assignment of functions by the Secretary of Agriculture to the Assistant Secretary of Agriculture for Conservation, Research, and Education, the boundary of the Ozark National Forest is extended as described below and all lands within the Ozark National Forest as adjusted that have been or hereafter are acquired by the United States under provisions of the aforesaid Act, or which otherwise attain status as National Forest land subject to such Act, are hereby designated for administration as part of the Ozark National Forest.

Ozark National Forest, Arkansas

Fifth Principal Meridian

Stone County:
T.15N., R.11W.,
Sec. 14, NW¼NE¼ north of North Sylamore Creek, part NE¼NW¼ described as beginning at the northeast corner of NE¼NW¼, thence South 9.00 chains to the centerline or North Sylamore Creek; thence upstream along the centerline of North Sylamore Creek North 62 deg. West 6.43 chains, North 30½ deg. East 5.06 chains, North 30 deg. East 1.91 chains to the north line of NE¼NW¼; thence East along said north line 2.00 chains to the point of beginning.
Searcy County:
T.14N., R.18W.,
Sec. 23, SW¼NW¼, NW¼SW¼
Johnson County:
T.10N., R.25W.,
Sec. 2, NW¼NW¼;
Sec. 3, N½
Madison County:
T.13N., R.25W.,
Sec. 8, SE¼SW¼, SW¼SE¼.
Franklin County:
T.11N., R.27W.,
Sec. 18, SW¼SE¼, NE¼SW¼, NW¼SW¼ lying north of the Mulberry River, S½S½SW¼ less one acre square in the northeast corner, NW¼SE¼ lying north of the Mulberry River;
Sec. 19, W½W½, NE¼SW¼, NW¼SE¼.
T.11N., R.28W.,
Sec. 13, S½;
Sec. 14, NE¼SE¼, S½SE¼;
Sec. 23, NE¼NE¼, N½NW¼ lying south of the Mulberry River;
Sec. 24, N½, SE¼, E½SW¼, NW¼SW¼;
Sec. 29, NW¼SW¼ lying south of the Mulberry River, SW¼NW¼ lying south of the Mulberry River.
Crawford County:
T.12N., R.32W.,
Sec. 36, W½W½SE¼.
Washington County:
T.13N., R.31W.,
Sec. 33, W½SW¼.

The areas described aggregate 1,803.03 acres.

EFFECTIVE DATE: This order shall become effective June 19, 1979.

M. Rupert Cutler,

Assistant Secretary.

June 14, 1979.

[FR Doc. 79-19009 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

United Power Association, Elk River, Minn.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and

credit of the United States of America for a loan in the approximate amount of $31,387,000 to United Power Association of Elk River, Minnesota, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $10,000,000 to this cooperative.

These loans will be used to finance a construction program consisting of approximately 32 miles of 230 kV and approximately 60 miles of 69 kV transmission lines and related facilities; load management equipment; and miscellaneous generation and other system improvements providing no additional generating capacity.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Philip O. Martin, Manager, United Power Association, Elk River, Minnesota 55330.

In order to be considered, proposals must be submitted before July 19, 1979, to Mr. Martin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as United Power Association and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Informtion Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 11th day of June 1979.

Joseph Vellone,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-18884 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Vineland Area Tributary to Arkansas River Watershed, Colorado; Intent Not to File an Environmental Impact Statement for Deauthorization of Federal Funding of the Vineland Area Tributary to Arkansas River Watershed

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Vineland Area Tributary to Arkansas River Watershed, Pueblo County, Colorado.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert G. Halstead, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The watershed project, which included a combination of land treatment and structural measures, will not be completed and will not contribute to soil and water conservation, watershed protection or flood prevention of the area.

This notice of intent not to file an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Mr. Robert G. Halstead, State Conservationist, P.O. Box 17107, Denver, Colorado 80217, 303–837–4275.

An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy request at the above address.

No administrative action on implementation of the proposal will be taken on or before August 20, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: June 11, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-19029 Filed 6-18-79; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 34573]

Anchorage-London Service Case; Hearing

Notice is hereby given to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on July 17, 1979, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 13, 1979.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 79-19049 Filed 6-18-79; 8:45 am]

BILLING CODE 6320-01-M

Application for an All-Cargo Air Service Certificate

June 13, 1979.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 9, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 35423, from Emerald Air, Inc. d/b/a Emerald Airlines, of Austin, Texas for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the Federal Register. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the application to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-19050 Filed 6-18-79; 8:45 am]

BILLING CODE 6320-01-M

Application for an All-Cargo Air Service Certificate

June 13, 1979.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 9, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 35512, from Michigan Peninsula Airways, Inc. of Romulus, Michigan for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the Federal Register. An executed original

and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-19051 Filed 6-18-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committee; Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 9:00 am and will end at 12 noon, on July 14, 1979, at the Executive Tower, 1405 Curtis Street, Suite 1706, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to orientate newly rechartered committee members and report on the status of the Energy Policy Handbook project.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 13, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-19011 Filed 6-18-79; 8:45 am]

BILLING CODE 6335-01-M

Wyoming Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 3 p.m., on July 12, 1979, at the Natrona County Library, Sullivan Room, Second and Durbin, Casper, Wyoming 82601.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to review status of current project on educational opportunities in energy impacted counties in Wyoming.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 14, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-19010 Filed 6-18-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

1978 Survey of the Consumption of Selected Hydrocarbon, Coal, and Coke Materials by Manufacturers; Determination

In conformity with title 13, United States Code, sections 182, 224, and 225, and due notice having been published on March 29, 1979 (44 FR 18720), I have determined that the data collected on this survey will provide needed information on the consumption of fuels for nonenergy purposes. This information will be used as an aid in various policy development activities by the Department of Energy. This information will supplement the data on fuels used for heat and power that are collected in the annual survey of manufactures, Form MA-100. Therefore, these data will be useful to both the public and private sectors for a variety of analytical purposes related to energy supply and usage. They are not available in the form requested from nongovernmental or other governmental sources.

This survey will request data concerning selected hydrocarbon material consumption, produced and consumed fuels, fuel oil stocks, and coal and coke stocks.

Data will be collected on an establishment basis from a subsample of the annual survey of manufactures. The sample will consist of approximately 3,300 establishments.

Copies of the report forms are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this survey be conducted for the purpose of collecting the data hereinabove described.

Dated June 14, 1979.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 79-19038 Filed 6-18-79; 8:45 am]

BILLING CODE 3510-07-M

National Bureau of Standards

Clinical Thermometers; Voluntary Product Standard Action of Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Voluntary Product Standard PS 39-70, "Clinical Thermometers (Maximum-Self-Registering, Mercury-in-Glass)."

This withdrawal action is being taken for the reason that PS 39-70 is adequately covered by the American Society for Testing and Materials' standard ANSI/ASTM E 667-79, "Standard Specification for Clinical Thermometers (Maximum Self-Registering, Mercury-in-Glass)," and duplication is inappropriate and not in the public interest. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the Federal Register of April 4, 1979 (44 FR 20237) to withdraw this standard.

The effective date for the withdrawal of this standard will be August 20, 1979. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: June 14, 1979.

Ernest Ambler,

Director.

[FR Doc. 79-19001 Filed 6-18-79; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration, Western Pacific Fishery Management Council; Amended Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has changed its meeting dates on June 26-27, 1979; the time to 9 a.m. to 5 p.m. on both days; and the place to State Capitol, Honolulu, Hawaii, (FR Vol. 44, No. 101, May 23, 1979).

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management

Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone: (808) 523–1368.

Dated: June 13, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-18987 Filed 6-18-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Laboratory Accreditation Criteria Committees for Thermal Insulation Materials and Freshly Mixed Field Concrete; Open Meetings

The National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials (NLACC–1) and the National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC–2) will hold a joint meeting on July 9–10, 1979, in the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. (public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.). The Committees will meet jointly from 10:00 a.m. to 5:00 p.m. on July 9 in Room B841 and separately from 9:00 a.m. to 5:00 p.m. on July 10 (NLACC–1) in Room 3708 and NLASS–2 in Room B841).

Tentative agenda items include:

1. Briefing on the implementation of the criteria for the thermal insulation materials program including experiences of using the questionnaires, the on-site examinations, and the proficiency testing programs.

2. Review of the fundamental differences in the criteria recommended by the two Committees.

3. Consideration of possible changes in each Committee's recommendations.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of the minutes and material distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Additional information may be obtained from Mr. Peter S. Unger, Assistant Coordinator, National Voluntary Laboratory Accreditation Program, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–5872.

Dated: June 13, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79-19027 Filed 6-18-79; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Defense Science Board Summer Study Panel on Comprehensive Test Ban; Advisory Committee Meeting

The Defense Science Board Summer Study Panel on the Comprehensive Test Ban (CTB) will meet in closed session on July 19–20, 1979 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting has been scheduled for July 19–20, 1979 to further organize the Defense Science Board Panel on the Comprehensive Test Ban and to examine stockpile reliability and endurance, and the weapon science and technology base. This Panel will also discuss plans for future consideration of the scientific and technical aspects of the CTB in preparation for the Summer Study.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board Summer Study Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

June 14, 1979.

[FR Doc. 79-19013 Filed 6-18-79; 8:45 am]

BILLING CODE 3810-70-M

Federal Voting Assistance Program

AGENCY: Office of the Secretary of Defense.

ACTION: Notice of Intent.

SUMMARY: This notice of intent is to revise the Federal Post Card Application form to be used for absentee voting in accordance with the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 as amended. Individuals covered by these Acts are as follows:

(a) a member of the armed forces or merchant marine in active service;

(b) a spouse or dependent of (a) above;

(c) a U.S. citizen temporarily residing outside U.S.;

(d) a spouse or dependent residing with (c) above;

(e) U.S. citizen overseas by virtue of employment;

(f) a spouse or dependent residing with (e) above;

(g) other U.S. citizen residing outside United States.

Pub. L. 95–593 requires the Presidential designee, currently the Secretary of Defense, to design a single form of postcard application for registration to vote and for an absentee ballot request. The same law recommends that each State accept any official postcard which is duly executed by citizens covered by the Acts as a simultaneous application for registration and for absentee ballot. This proposed change incorporates the information submitted by the States to meet the requirement set forth by PL 95–593.

DATES: Comments must be received on or before July 20, 1979.

ADDRESSES: Federal Voting Assistance Program, Office of the Secretary of Defense, Pentagon, Room 1B457, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Henry Valentino, Director, Federal Voting Assistance Program, Ext. 695–9330 or 697–6125.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

June 14, 1979.

BILLING CODE 3810-70-M

POST CARD REGISTRATION AND ABSENTEE BALLOT REQUEST

INSTRUCTIONS

A. TYPE or PRINT LEGIBLY all entries before signing. The term *appropriate U.S. Official* as used herein refers to Unit Voting Officers or Counsellors, Commanding Officers, U.S. Embassy or U.S. Consul Officers or any other official who has access to the Voting Assistance Guide.

B. A detailed Voting Assistance Guide is published each even numbered year. It contains voting information for all States, U.S. territories and the District of Columbia. The Voting Assistance Guide is distributed to all Unit Voting Officers, Commanding Officers, U.S. Embassies and Consulates and State Election Officials. Copies of the Voting Assistance Guide are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

C. The information to be listed on this form will allow each State to accept it as an application for registration or request for absentee ballot or both. If you omit any items, be sure to consult with appropriate U.S. Officials BEFORE mailing an incomplete application. An incomplete application may invalidate your request.

D. Privacy Act Statement: Authority: 50USC1451, 42USC1973, EO10646, 10USC133. The principal purposes and uses of this form are to serve as an application or request for registration or request for absentee ballot and for voter identification and authentication in registration records. Disclosure of all information on this form is voluntary. However, your failure to provide the necessary information may preclude the pertinent State or other jurisdiction from processing this form and may possibly prevent you from exercising your right to vote absentee.

E. Passport or I.D. Card number is preferred, however, an alternative form of identification may be acceptable if you do not possess a valid passport or card of identity and registration. Indicate the type of identification used such as driver's license, birth or baptism certificates, or marriage certificate.

F. Some States require a separate application for registration and for each election. If you circle (All as permitted), you will receive those ballots permitted by State law. Consult the *appropriate U.S. Official* for specific information concerning your State. If you circle either (Primary), (Special), or (General) and you are eligible to vote, you will receive a ballot for the election circled only.

G. Party choice is secret in Primary Elections in the following States: Alaska, Idaho, Louisiana, Michigan, Minnesota, Montana, North Dakota, Utah, Vermont, Washington, Wisconsin. You do not have to disclose your political party preference for a Primary Election ballot in these States.

H. Most States allow military personnel and U.S. citizens outside the United States to vote absentee in State and local, as well as Federal elections. However, in a few States, you may be liable for State or local taxes if you vote in State or local elections. The exercise of any right to register or vote in Federal elections by any U.S. citizen outside the United States shall not affect the determination of his place of residence or domicile for purposes of any tax imposed under Federal, State or local law. Consult the *appropriate U.S. Official* for specific information concerning your State. If you request a Federal Ballot only and receive a full ballot (Federal and State or local) because some States do not print a Federal Ballot, you may vote the full ballot without incurring a tax liability.

I. In most States, checking any box 12(a) through (f) will entitle you to a full ballot. A U.S. citizen temporarily residing outside the U.S. means that at some future time the voter intends to reside again in the State where application is being made. Civilian employees of the Federal government assigned to an overseas area are covered by category 12(c).

J. All citizens, not employed by the Federal government, who are overseas by virtue of their employment including missionaries and students should check box 12(e).

K. Other U.S. citizen means all civilians not covered by any other listed category who are outside the U.S. in a private capacity such as retirees or persons on extended travel or vacation.

L. If you have not voted before, enter "Not Applicable." If you were registered in a precinct other than the one you are now claiming, you should complete this item. This will help transfer your registration records. If you don't remember the information, then indicate the approximate year and enter "unknown" in the other spaces.

M. Many States require this affirmation. If you have been convicted of a felony or been adjudicated mentally incompetent, some States have provisions for a pardon in order to reinstate voting rights. Consult the appropriate State Governor for reinstatement of your voting rights. If you need to know which States require this affirmation, consult the *appropriate U.S. Official* for further information.

N. Not all States require completion of the Oath or Notary provision in item 19. If completion of this item presents an undue hardship, consult the *appropriate U.S. Official* to determine if this is a requirement for your State.

O. Address the card to the proper county, township or State official. Consult with the *appropriate U.S. Official* to determine the correct address for your application.

P. Foreign airmail postage must be affixed if mailed in a foreign postal facility. No postage is required for this card if mailed in a U.S. postal facility, APO, FPO or Embassy or Consulate.

(Keep this portion of the card for your records.) Date Mailed:

(Mail this portion of the card to proper addressee.)

NOTICE: ILLEGIBLE OR INCOMPLETE INFORMATION MAY DELAY OR INVALIDATE YOUR REQUEST

POST CARD APPLICATION FOR ABSENTEE BALLOT

APPLICATION FOR STATE OF _____ COUNTY OF _____ SS _____

(1) _____
(TYPE OR PRINT FULL NAME—(First, Middle, Last)

(2) My home residence is (or for citizens checking 12(g), my last residence immediately prior to my departure from the United States):

_____
(Number and Street or Rural Route)

_____ _____
(City, Town, or Village) (County or Parish)

_____ _____
(State) (Zip Code)

(3) I am a United States Citizen, born on _____
(Day, Month, Year)

(4) Place of Birth _____

(5) If Naturalized:

(a) Place _____ Date _____

(b) Naturalization No. _____

(6) Sex _____, Height _____, Weight _____

Hair Color _____, Eye Color _____

(7) Social Security No. _____
See instruction D

(8) Other Identification No.: _____
(Passport, I.D. Card, etc. See instruction E)

(9) I request registration (if required) and absentee ballot(s) to vote in the coming election(s):
Circle applicable election(s) (See instruction F)
(Primary) (Special) (General) (All as permitted)

(10) For primary election ballot, my political party preference is _____
(If party choice is secret for primary in this State do not answer, see instruction G).

(11) Check one box (see instruction H)
☐ (a) I request Federal, State and Local ballot, if I am entitled.
☐ (b) I request only Federal election ballot if provided separately by State.

(12) I am: (check applicable box—see instruction I)
☐ (a) a member of the armed forces or merchant marine in active service
☐ (b) a spouse or dependent of (a) above
☐ (c) a U.S. citizen temporarily residing outside U.S.
☐ (d) a spouse or dependent residing with (c) above
☐ (e) U.S. citizen overseas by virtue of employment (See instruction J)
☐ (f) a spouse or dependent residing with (e) above
☐ (g) other U.S. citizen residing outside U.S. (See instruction K)

(13) Please mail my ballot to this address: (include zip code if applicable and ensure military or foreign address is complete)

_____

_____

_____

(14) I am not requesting a ballot from or voting in any other U.S. State, territory or possession in this election.

(15) The last time I voted was in _____
County or Township

_____
(State) (Year)

Voter Registration No., if known: _____
(See instruction L)

(16) I have not been convicted of a felony or been adjudicated mentally incompetent. (If so, see instruction M)

(17) I swear or affirm, under penalty of perjury, that the above information is true and complete.

(18) _____
(Signature of person requesting ballot)

OATH IF REQUIRED BY STATE (See instruction N)

(19) Subscribed and sworn to before me on _____
(Day, Month, Year)

_____ SEAL
(Signature of official administering oath)

_____
(Typed or printed name of official administering oath)

_____
(Title or rank, and organization of administering official)

[FR Doc. 79-19037 Filed 6-18-79; 8:45 am]

BILLING CODE 3810-70-C

Office of the Secretary of Defense

Per Diem, Travel and Transportation Allowance Committee; Publication of Per Diem Rate Changes

Correction

In FR Doc. 79-18733 appearing at page 34627 in the issue for Friday, June 15, 1979, make the following correction: On page 34628, in the second column, in the table of maximum per diem rates, under the entry for the Virgin Islands of U.S., the maximum rate for "5-1—11-30" should be corrected to read "54.00".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Okanogan Area Service Draft Facility Planning Supplement to Final Environmental Statement; Public Meetings

The Bonneville Power Administration (BPA) hereby gives notice of public meetings to be held to discuss and solicit comments on the Okanogan Area Service Draft Facility Location Supplement. This environmental statement supplements BPA's Final Fiscal Year 1976 Proposed Program EIS (DOI/FES 75-79) and was prepared pursuant to DOE's implementation of the National Environmental Policy Act of 1969. This supplemental statement assesses the anticipated impacts associated with the construction of approximately 63 miles of 230-kV transmission line from the Chief Joseph/Foster Creek Substations to the Tonasket Substation, and a new substation near Chillowist, Washington. Alternatives to the proposal, including nonconstruction, are also discussed.

Public information meetings will be held at the following locations:

July 24, 1979, Oak County PUD Auditorium, Okanogan, Washington, 7:00 p.m.

July 25, 1979, Brewster Grange Hall, Brewster, Washington, 7:00 p.m.

All interested parties are urged to attend. All comments are welcome in order to fully assist the agency in evaluating the environmental factors pertinent to this proposal. Comments will be considered in the preparation of the Okanogan Area Service Final Facility Location Supplement.

For those who cannot attend the meetings, written comments will be accepted until the close of comment date August 6, 1979. Copies of the environmental statement, as well as additional or clarifying information, may be obtained by writing or calling the Environmental Manager's Office, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208, 503-234-3361, extension 5137.

Dated at Portland, Oregon, this 11th day of June 1979.

Sterling Munro,

Administrator.

[FR Doc. 79-19017 Filed 6-18-79; 8:45 am]

BILLING CODE 6450-01-M

Public Utility Regulatory Policies Act; Hearings

AGENCY: Department of Energy, Bonneville Power Administration (BPA).

ACTION: Notice of Hearings Respecting Ratemaking Standards.

SUMMARY: Bonneville Power Administration (BPA) will hold hearings on July 19, 1979, to consider and determine whether or not it is appropriate to implement standards for ratemaking concerning cost of service, declining block rates, time-of-day rates, seasonal rates, interruptible rates, and load management techniques, as provided by Section 111 of the Public Utility Regulatory Policies Act (PURPA, Pub. L. 95-617).

DATES: Public hearings concerning the adoption of ratemaking standards will be held Thursday, July 19, 1979, in the Auditorium, Bonneville Power Administration Headquarters Building, 1002 NE. Holladay street, Portland, Oregon, commencing at 9 a.m. and at 7 p.m.

SUPPLEMENTAL INFORMATION: PURPA Section 111 requires certain nonregulated electric utilities to consider certain specified standards for ratemaking and to make a determination concerning whether or not it is appropriate to implement such standards for its ratemaking. The consideration is required to be after a public hearing; the announced hearing is the public hearing for such purpose. Written and oral evidence will be accepted at the hearing. And the determination concerning whether to implement standards must be based upon such evidence.

SUBJECT OF HEARINGS: The Federal standards which must be considered and which define the scope of this hearing are specified by Section 111(d) of PURPA. The electric consumers with which these standards are concerned include any person, state agency, or Federal agency to which electric energy is sold by BPA. The standards proposed by PURPA raise issues which are to be considered and determined as a result of these hearings. The proposed standards generally provide that:

(1) *Cost of Service*—Rates to each class of consumers shall be designed to the maximum extent practicable to reflect the costs of providing service to that class. Section 115(a) establishes certain special factors upon which to base rates for consideration of this proposed standard. These special factors generally require that cost-of-service determinations take into account the changes in costs associated with daily and seasonal time of use. The cost of adding more generating capacity and of delivering additional energy also are to be taken into consideration.

(2) *Declining Block Rates*—Declining block energy charges that are not cost based shall be eliminated.

(3) *Time-of-Day rates*—Time-of-day rates shall be established if cost effective where costs vary by time of day.

(4) *Seasonal Rates*—Seasonal rates shall be established where costs vary by season.

(5) *Interruptible Rates*—Interruptible rates based on the costs of providing interruptible service shall be offered to commercial and industrial customers.

(6) *Load Management Techniques*—Load management techniques shall be offered to consumers where practicable, cost-effective, reliable, and useful to the utility for energy or capacity management.

PROCEDURE OF HEARING: Persons desiring to appear and make statements shall present themselves, in person or by counsel, at the beginning of the hearing at 9 a.m. or 7 p.m., July 19, 1979.

The hearing will be presided over by a hearing officer designated by the Administrator of BPA.

The hearing officer will disclose at the beginning of the hearing any additional rules necessary for insuring an orderly procedure. The hearing will be transcribed and copies of the transcript may be ordered at cost from the Office of General Counsel, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Written data, views and comments on the standards are also requested from the public. All written material received by BPA before 4:30 p.m. on August 20, 1979, will be made part of the official record and will be considered by BPA.

The BPA Branch of Rates has prepared written statements concerning

the standards; these statements will be made part of the official record and are available to the public upon request. The statements will include information concerning the standards and a summary of comments received from the public on BPA's proposed 1979 Wholesale Power Rates which may be useful to the public in developing its views and recommendations for the BPA Administrator's consideration. Copies of the staff statement are available from Donna Lou Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, or from BPA's Area and District Offices, located as follows: Spokane Area Office, Room 561, U.S. Court House, Spokane, Washington 99201; Kalispell District Office, Box 758, Kalispell, Montana 59901; Wenatchee District Office, Room 314, U.S. Federal Building, 301 Yakima Street, P.O. Box 741, Wenatchee, Washington 98801; Portland Area Office, Lloyd Plaza Building, 919 NE. 19th Avenue, Room 201, P.O. Box 3621, Portland, Oregon 97208; Eugene District Office, U.S. Federal Building, Room 206, 211 East 7th Street, Eugene, Oregon 97401; Seattle Area Office, 415 First Avenue North, Room 250, Seattle, Washington 98109; Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362; Idaho Falls District Office, 531 Lomax Street, P.O. Box 2558, Idaho Falls, Idaho 83401.

The official record of the proceedings will consist of the verbatim transcript of the hearings and copies of all written material submitted within the time set forth above. The summary of the record will be prepared by the hearings officer and will be transmitted to the BPA Administrator along with the complete record. The record will be used by the Administrator in making the determinations required by Section 111 of the Public Utility Regulatory Policies Act of 1978.

Individual copies of the record will be available to the public at cost of reproduction. Copies will also be kept on file for public inspection at BPA's Area and District Offices and at the Office of the Public Involvement Coordinator, Room 494, Bonneville Power Administration Building, 1002 NE. Holladay Street, Portland, Oregon.

WRITTEN COMMENTS: Written comments will be accepted before the hearing and until 4:30 p.m., August 20, 1979, and may be delivered or mailed to Ms. Donna Lou Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

CONSUMER REPRESENTATION: Any person may appear at this hearing either in person or by an attorney or both.

As provided by Section 122 of PURPA, Pub. L. 95-617, November 9, 1978, if no alternative means for assuring representation of electric consumers is provided, and if an electric consumer of BPA substantially contributes to the approval, in whole or in part, of a position advocated by such consumer at these hearings and relating to any of the subjects of this hearing, BPA will compensate such consumer for reasonable attorney fees, expert witness fees, and other reasonable costs incurred in preparation and advocacy of such position in this hearing.

A notice of intention to claim such fees and costs shall be presented in writing before the close of the hearing. Those electric consumers of BPA who are found to be entitled to such fees and costs under Section 122(a) of PURPA will be so notified and required thereafter to file a written claim. The written claim shall be on oath and shall state (1) the names and addresses of the consumer and of his attorney, (2) a recitation of the entire fee contract made between the consumer and his attorney and witness, (3) a detailed statement of the time and charges of the attorney or witness or both for which reimbursement is sought, (4) an itemization of any other costs for which reimbursement is sought, and (5) information as to the financial situation of the consumer.

The determination as to what, if any, attorney fees, witness fees, and costs will be reimbursed by BPA will be included in the final order or determination in these proceedings. Payment to be made will be processed in due course thereafter and mailed to the consumer, or his attorney, or both.

FURNISHING INFORMATION: BPA will furnish information on the PURPA standards in accordance with the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Lou Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; 503-234-3361, extension 4261.

BPA also has toll-free information lines for use by the public in the region. The toll-free numbers are: Oregon; 1-800-452-5976 or 452-8429. Washington, Idaho, Montana, Utah, Wyoming, California, and Nevada; 1-800-547-5977 or 547-6048.

George E. Bell,
Assistant Administrator.
June 13, 1979.

[FR Doc. 79-19014 Filed 6-18-79; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50332A; FRL 1250-2]

Chevron Chemical Co.; Amendment to Experimental Use Permit Issued

On Thursday, September 29, 1977 (42 FR 28716), information appeared pertaining to the issuance of an experimental use permit, No. 239-EUP-68, to Chevron Chemical Company. At the request of the company, that permit has been amended. The experimental use permit now allows the use of *cis-N*-[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexene-1,2-dicarboximide (captafol) on potatoes to evaluate control of late and early blight. A total of 306 acres is involved; the program is authorized only in the States of California, Colorado, Idaho, Michigan, Nebraska, Oregon, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from October 31, 1978 to October 31, 1979. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.267). (PM-21, Henry Jacoby, Room: E-305, Telephone: 202/755-2562)

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: June 12, 1979.

Douglas D. Campt,
Director, Registration Division.

[FR Doc. 79-18986 Filed 6-18-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1251-2]

Fuel Economy Retrofit Devices Evaluation of Retrofit Device

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Retrofit Device Evaluation.

SUMMARY: This announcement summarizes the conclusions of the EPA following evaluation of the "Malpassi Filter King" under the provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

FOR FURTHER INFORMATION CONTACT:
Peter Hutchins, Emission Control Technology Division, Office of Mobile Source Air Pollution Control. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4340.

SUPPLEMENTAL INFORMATION:

Background: Section 511(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit device are accurate.

* * * * *

(c) The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device.

On November 8, 1977, the EPA received a request from Peter Francis Coulter and Richard Harding Serivenen of Toronto, Canada, for evaluation of a fuel saving device termed the "Malpassi Filter King." An evaluation has been made and the results are described completely in an EPA report entitled "EPA Evaluation of 'Malpassi Filter King' under Section 511 of the Motor Vehicle Information and Cost Savings Act." Copies of this report are available upon request.

Summary of Evaluation: The basic conclusion following review of testing by other organizations is that the device does not have large scale applicability for improvement of fuel economy for different types of vehicles. The only reported testing performed in accordance with the Federal Emissions Test Procedure and Highway Fuel Economy Test, performed by American Motors Corporation, identified driveability problems and associated safety concerns which detracted from the universal applicability of the device as a fuel economy improver. However, because the device may potentially benefit fuel economy for certain types of vehicles, the applicant is encouraged to carry out testing designed to identify particular vehicles whose fuel economy is improved by the device. If vehicles are identified which respond favorably with respect to fuel economy while retaining their emissions control capabilities, the applicant is advised to focus on these vehicles only in advertising the product and to refrain from making sweeping claims as to applicability to all vehicles.

The emissions impact of the device has been evaluated independently by the California Air Resources Board, who determined that installation of the device did not reduce the effectiveness of motor vehicle pollution control devices.

Dated: June 13, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-19073 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-C30167; FRL 1251-7]

Pesticide Programs; Receipt of Applications to Conditionally Register Pesticide Products Containing New Active Ingredient

Applications have been submitted to the Environmental Protection Agency (EPA) to conditionally register pesticide products containing an active ingredient which has not been included in any previously registered pesticide products. Notice of these applications is given pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975 and 1978 (92 Stat. 819; 7 U.S.C. 136) and regulations thereunder (40 CFR 162). Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

Interested persons are invited to submit written comments on these applications. Comments may be submitted, and inquiries directed, to Product Manager (PM) 23, Ms Willa Garner, Room E-351, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/755-1397. The comments must be received on or before July 19, 1979 and should bear a notation indicating the EPA file symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying the processing of the application. The labels furnished by each applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of the applications to register pesticide products will be announced in the Federal Register. Except for such material protected by Section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the Federal Register if an application is approved.

Dated: June 14, 1979.

Douglas D. Campt,

Director, Registration Division.

Applications Received

EPA File Symbol 43142-R. Boots Hercules Agrochemicals Co., 910 Market St., Wilmington, DE 19899. ANTOR HERBICIDE FOR MANUFACTURING USE ONLY. Active Ingredient: *Diethatyl ethyl [N-chloroacetyl-N-(2,6-diethyl phenyl) glycine, ethyl ester* 90%. PM23–Ms Willa Garner, Room E-351.

EPA File Symbol 43142-E. Boots Hercules Agrochemical Co. ANTOR HERBICIDE 4 LB/GALLON EMULSIFIABLE SOLUTION. Active Ingredient: Diethatyl ethyl 48%. Application proposes that this product be classified for general use as a preemergence control of certain weeds. PM23.

[FR Doc. 79-19066 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[PP 9G2173/T208; FRL 1251-5]

Pesticide Programs; Establishment of a Temporary Exemption From the Requirement of a Tolerance; n-Tetradecyl Formate

Hercon Products Group, Herculite Products, Inc., 1107 Broadway, New York, NY 10010, submitted a pesticide petition (PP 9G 2173) to the Environmental Protection Agency (EPA). This petition requested that a temporary exemption from the requirement of a tolerance be established for residues of the insecticide *n*-tetradecyl formate in or on the raw agricultural commodity cottonseed when used as a pheromone to disrupt mating in bollworm, and tobacco budworm.

Establishment of this temporary exemption will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit (8730-EUP-7)

that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other material showed that the requested temporary exemption was adequate to protect the public health. The temporary exemption has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Hercon Products Group must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption expires April 3, 1980. Residues remaining in or on the cottonseed after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption. This temporary exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Franklin Gee, Product Manager 17, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460 (202/426-9425).

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: June 14, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-19067 Filed 6-18-79; 8:45]

BILLING CODE 6560-01-M

[PP 6G1667/T209; FRL 1250-4]

Pesticide Programs; Renewal of Temporary Tolerances for Tebuthiuron

On July 8, 1977, the Environmental Protection Agency gave notice (42 FR 35186) that in response to a pesticide petition (PP 6G1667) submitted to the Agency by Elanco Products Co., Div. of Eli Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206, temporary tolerances were established for combined residues of the herbicide tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites in or on the raw agricultural commodities grasses (pasture and rangeland) and grass hay at 20 parts per million (ppm); in kidney and liver of cattle, goats, horses, and sheep at 2 ppm; in milk at 0.3 ppm; and in the meat, fat, and meat byproducts (except kidney and liver) of cattle, goats, horses, and sheep at 0.25 ppm. These temporary tolerances expired June 15, 1978.

Elanco Products Co. requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit (1471-EUP-43) that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire May 14, 1980. Residues not in excess of these temporary tolerances remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460 (202/755-7013).

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: June 12, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-1984 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1251-1]

Underground Injection Control; List of States Requiring Programs

AGENCY: Environmental Protection Agency.

ACTION: Notice of Amended List of States Requiring Underground Injection Control (UIC) Programs.

SUMMARY: § 1422(a) of the Safe Drinking Water Act requires the Administrator of the Environmental Protection Agency to list in the Federal Register "* * * each State for which in his judgment, a State Underground Injection Control (UIC) program may be necessary to assure that underground injection will not endanger drinking water sources." For those States listed, the Act requires the development of programs to protect underground drinking water sources. EPA listed 22 States on September 25, 1978 (43 FR 43420); today, EPA adds 17 States to that list.

DATES: Comments are due August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas E. Belk, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Telephone No. (202) 426-3934.

SUPPLEMENTARY INFORMATION: Section 1421 of the Safe Drinking Water Act (P.L. 93-523 as amended by P.L. 95-190) requires the Administrator of the Environmental Protection Agency (EPA) to publish regulations which contain minimum requirements for State programs to prevent underground injection which endangers drinking water sources. Such regulations were reproposed on April 20, 1979 (44 FR 23738).

§ 1422(a) of the Act further requires the Administrator to "* * * list in the Federal Register each State for which in his judgment a State underground injection control program may be necessary to assure that underground injection will not endanger drinking water sources * * *." Section 1422(b)

requires each listed State, within 270 days from the date of final promulgation of the "minimum requirements" regulations under Section 1421, to submit an application to the Administrator with a plan to implement a UIC program in response to these requirements. The Administrator may, for good cause, extend the date for submission of an application of any State for an additional 270 days.

If the Administrator approves the State's application, the State shall have primary enforcement responsibility for its program (Section 1422(b) (3)). If the Administrator disapproves an application in whole or in part, if a State fails to make application within the allowed time, or if the Administrator subsequently determines that a State's program no longer meets the conditions for primacy, the Administrator must prescribe a program applicable to such State within 90 days after the date of such disapproval under Section 1422(a).

On September 25, 1978 (43 FR 43420), EPA Listed 22 States under § 1422(a) for participation in the UIC program. Today, EPA amends that initial list.

Amended List of States Requiring A State Underground Injection Control Program

In addition to the 22 States listed on September 25, 1978 and to the listing of one other State, Maryland, on April 11, 1979, the following seventeen States are hereby listed as requiring a State underground injection control program to assure that underground injection will not endanger drinking water sources.

Alabama	North Carolina
Georgia	North Dakota
Hawaii	Oregon
Massachusetts	South Carolina
Minnesota	Tennessee
Missouri	Virginia
Montana	Washington
Nebraska	Wisconsin
New Jersey	

States that are listed may apply for Federal financial assistance for developing and implementing the Underground Injection Control Program in accordance with regulations entitled "State Underground Water Source Protection Program Grants" issued on October 12, 1978, 43 FR 47130.

Methodology for Designation of States

In the September 25, 1978, Federal notice, EPA explained many options and numerous models in its desire to fashion an objective and quantifiable methodology for ranking States' needs for the underground injection control (UIC) programs. The agency ultimately selected seven criteria relating to both the relative importance of ground water resource and potential endangerment caused by various injection practices. These seven criteria determined the ranking of all 57 States and territories. The first 22 States listed headed the list, i.e. they had the greatest need for UIC programs. The 17 States added today are the next group of States as determined by that initial ranking. For a full discussion of the methodology which EPA used to determine this ranking of need, please see the September 25, 1978 notice (43 FR 43420).

Public Comments:

Although the Act does not require public comment on listings under Section 1422(a), it is EPA's policy to provide for public participation in its decisions. Accordingly, EPA is soliciting written public comments on today's action. Comments should be sent to Thomas E. Belk at the address noted above. EPA will consider all comments carefully, and issue a response in the Federal Register which either reconfirms today's list or makes appropriate revisions in the light of the comments. EPA will accept comments until August 20, 1979.

During the comment period, any State which is not now listed may ask to be included. EPA will carefully consider any such request which indicates a State's commitment to develop an approvable program under Section 1421 in a timely fashion.

Dated: June 14, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79-18932 Filed 6-18-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1250-1]

Water Quality Criteria; Corrections

In FR Doc. 79-7647, Thursday, March 15, 1979 at 44 FR 15936, EPA published and invited comment on Water Quality Criteria. In that document a number of errors appeared which needed correction. The corrections were published in FR Doc. 79-15191, May 16, 1979 at 44 FR 28716. One error still needs correction and it is listed below.

1. Appendix C, page 15980, left column, fourth equation,

$$B_H = B^3\sqrt{\frac{70}{W}}$$ is incorrect; the correct mathematical expression is:

$$B_H = B_A\sqrt[3]{\frac{70}{W}}.$$

Dated: June 13, 1979.

Thomas C. Jorling,

Assistant Administrator.

[FR Doc. 79-18923 Filed 6-18-79; 8:45]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Board of Visitors for the National Academy for Fire Prevention and Control; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Academy for Fire Prevention and Control (Board).

Dates of meeting: July 10-12, 1979.

Place: Conference Room, Administration Building (Building E), National Fire Academy, Emmitsburg, Maryland.

Times: 9:00 a.m. to 5:00 p.m., Tuesday thru Thursday.

Proposed agenda: July 10, 1979: Introductory remarks; Academy budget 1980 and 1981; Overview of Academy progress; Report of Planning Task Force; Report on curriculum delivery and delivery systems; Academy administrative services; Review of Open University; Review of Outreach programs. July 11, 1979: Round table question and answer discussion; Tour of Academy facilities. July 12, 1979: Briefing on Opening Symposium; Administrative items.

The meeting will be open to the public, with approximately 20 seats available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact Ms. Jane Sornberger, National Fire Academy, Route 1, Box 10A, Emmitsburg, Maryland 21727 (301-447-6117) on or before July 3, 1979.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, Administration Building, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: June 14, 1979.

Gordon Vickery,

Administrator, United States Fire Administration.

[FR Doc. 79-19056 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Fedefal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 9, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3812.

Filing Party: Jerry A. Ganey, Administrative Assistant, North Carolina Ports Authority, P.O. Box 3248, Wilmington, North Carolina 28406.

Summary: Agreement No. T-3812 is a lease agreement between the North Carolina Ports Authority (Authority) and Harrington and Company, Inc. (Harrington) covering the lease of approximately four (4) acres of hardstand area at the Port of Wilmington. The leased premises are to be used for the general activities of Harrington, as a containership service.

When and if approved by the Commission, this agreement will supersede and cancel the presently approved Agreement No. T-3383, approved November 15, 1976.

Agreement No.: T-3814.

Filing Party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3814 between the Port of Seattle (Port) and Seacon Terminals, Inc. (Seacon) provides for the one-year lease by the Port to Seacon of approximately 15 acres of container terminal facilities at Pier 42 together with the preferential use of Port-owned cranes.

Agreement No. 5600-38.

Filing Party: Charles F. Warren, Esq., Warren & Associates, P. C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement 5600-38 would modify the basic agreement of the Philippines North America Conference by adding the following sentence to Article 9(E): "When a circular ballot is utilized and a vote is not received by the Conference within ten (10) working days, excluding day of distribution, absent votes shall be considered affirmative votes."

Agreement No. 9522-40.

Filing Party: Marc J. Fink, Esquire, Billig, Sher & Jones, P. C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9522-40 among the members of Med-Gulf Conference, would amend Article 3-B to the basic agreement by adding new language to provide that substituted service by land at the expense of the member line between or from loading ports, in addition to those ports specified within the scope of the agreement, may only be authorized, altered or cancelled upon the unanimous vote of all members of the Conference section affected.

By Order of the Federal Maritime Commission.

Dated: June 13, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-19015 Filed 6-18-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, July 12, 1979
Thursday, July 19, 1979
Thursday, July 26, 1979

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (P. L. 92-463) and 5 U.S.C., section 552(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202-632-9710).

Dated: June 11, 1979.

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 79-18946 Filed 6-18-79; 8:45 am]

BILLING CODE 6325-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were accepted by the Regulatory Reports Review Staff, GAO, on June 13, 1979.

See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed OSM requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before July 9, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

OFFICE OF SURFACE MINING

The Office of Surface Mining (OSM), Department of the Interior, requests clearance of new application, recordkeeping and reporting requirements contained in 30 CFR Parts 872, 877, 879, 882, 884 and 886. The Office of Surface Mining has determined that such information is necessary to perform its responsibilities under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq. and must be collected, submitted or retained. On October 25, 1978, the OSM adopted these requirements, subject only to review by GAO to assure that a minimum burden is imposed in the manner in which such information is proposed to be obtained. The requirements contained in each part are as follows:

30 CFR Part 872

Sections 872.11(b)(2) and 872.11(b)(3) require that no money shall be allocated to States and Indian Tribes, if OSM is advised in writing by the State and Indian Tribe, that a State or Indian Reclamation Plan will not be submitted. Funds allocated and granted to the States and Indian Tribes for reclamation work, that have not been expended within 3 years from the date of allocation, may be withdrawn if the Director finds in writing that the amounts involved are not necessary to carry out the approved reclamation activities, or that failure to expend is the result of avoidable delays in conducting approved reclamation activities. OSM anticipates that each of the 28 respondents will submit a Reclamation Plan and will expend their allocation within the 3-year period. Therefore OSM estimates no burden will be incurred as a result of this section.

Section 872.12(a) provides for the establishment of the State Abandoned Mine Reclamation Fund in each State with an approved Reclamation Plan and in accordance with OMB Circular No. A–102. This section will require 25 respondents to comply by filing with OSM an average of 1 report each on a one-time basis. OSM estimates that compliance with this section requires 6 hours per report and a total of 150 hours.

Section 872.13(a) sets the procedures to establish the Indian Abandoned Mine Reclamation Fund. This section will require 3 respondents to comply by filing with OSM an average of 1 report each on a one-time basis. OSM estimates that compliance with this section requires 6 hours per report and a total of 18 hours.

30 CFR Part 877

Section 877.12(b) requires OSM, the State or Indian Tribe to give notice to the landowner in writing, including a statement of the reasons why entry is necessary, of any intentions to enter upon land to conduct studies or exploration, if the owner of the land will not provide consent to enter. This section will require 28 respondents to comply by preparing and/or posting an average of 1 notice each per year. OSM estimates that compliance with this section requires 1 hour per notice and a total of 28 hours per year.

Section 877.13(c) requires the Regional Director, State or Indian Tribe to give notice to the owner or post notice on the property of its intent to enter for purposes of conducting reclamation, 30 days before entry, if the owner will not grant permission. A copy of findings which outline the reasons for entry shall be included with the notice. This section will require 28 respondents to comply by preparing an average of 1 notice and statement of findings each per year. OSM estimates that compliance with this section requires 4 hours per notice and statement of findings and a total of 112 hours per year.

30 CFR Part 879

Section 879.13 sets out the procedures and authorizations which the Director, OSM, or a State or Indian Tribe under an approved Reclamation Plan, must follow in accepting gifts of land for reclamation purposes. It regulates the offers to make a gift and prescribes the actions that must follow immediately after acceptance of the gift. This section will require 28 respondents to comply by filing with OSM an average of 1 report each per year. OSM estimates that compliance with this section requires 80 hours per report and a total of 2,240 hours per year.

Section 879.15 requires that the Regional Director, State and Indian Tribe take the following actions prior to the disposition of any acquired reclaimed lands: (1) Publish a public notice which describes the proposed disposition of the land and which provides for public comment, and hold a hearing if requested as a result of the public notice; (2) make a written finding that the proposed disposition is appropriate, considering all comments received; (3) state in writing the public purposes for which the land is to be used if it is intended to purchase the land, and (4) publish a notice in a newspaper describing the land to be sold, the appraised value, conditions of sale, and provide for the submission of sealed bids and an oral auction open to the public. This section will require 28 respondents to comply by preparing an average of 1 report each per year. OSM estimates that compliance with this section requires 16 hours per report and a total of 448 hours per year.

30 CFR Part 882

Section 882.12 provides that OSM, the State or Indian Tribe shall obtain a notarized appraisal of the fair market value of private land to be reclaimed immediately before reclamation work is performed or as early as possible if reclamation must be done without appraisal (in case of emergency). It also states the procedures to inform the landowner of the values established in each appraisal before and after reclamation and information as to whether a lien will or will not be filed because of increased market value of the land resulting from reclamation. This section will require 28 respondents to comply by filing with OSM an average of 1 report each per year. OSM estimates that compliance with this section requires 72 hours per report and a total of 2,016 hours per year.

Section 882.13(a) sets forth the procedures for OSM, the State or Indian Tribe to file a lien and describes the ranking of such lien with respect to other liens or mortgages that may be imposed on the property. This section will require 28 respondents to comply by filing with OSM an average of 1 report each per year. OSM estimates that compliance with this section requires 80 hours per report and a total of 2,240 hours per year.

30 CFR Part 884

Section 884.13 requires the State or Indian Tribe to submit a Reclamation Plan, and sets forth the elements that must be included in the plan and manner in which the plan is to be submitted to the Director, OSM. Section 884.15 sets out the requirements for submitting amendments or revisions to the approved plan. These sections will require 28 respondents to comply by filing with OSM an average of 1 report each per year. OSM estimates that compliance with these sections will require 4,080 hours per report and a total of 114,240 hours per year.

30 CFR Part 886

Section 886.14 mandates the agencies selected by the States and Indian Tribes to administer the reclamation programs, to cooperate with the OSM Regional Directors in the development of advance budget estimates to be used by the Director of OSM in the preparation of requests for appropriation of monies from the Abandoned Mine Reclamation Fund. This section will require 28 respondents to comply by filing with OSM an average of 1 report each per year. OSM estimates that compliance with this section requires 40 hours per report and a total of 1,120 hours per year.

Section 886.15 describes and sets out the procedures required to submit a grant application to the appropriate OSM Regional Director. It describes the time of submission as well as the forms to be used and the time limits within which the application is to be processed. Section 886.17 requires the State or Indian Tribe Agency to notify the Regional Director in writing of any proposed changes which may require a grant amendment. These two sections will require each of the 28 respondents to comply by filing with OSM an average of 7 reports per year. OSM estimates that compliance with this section requires 24 hours per report and a total of 4,704 hours per year.

Section 886.18(c)(2) sets forth the procedures to appeal a decision taken by the Director of OSM which modifies the original conditions of a grant. This section will require 14 respondents to comply by filing with OSM an average of 1 report each per year. OSM estimates that compliance with this section requires 8 hours per report and a total of 112 hours per year.

Section 886.23 requires the agency of each State or Indian Tribe to submit for each grant received, an Annual Financial Status Report. This section will require 28 respondents to comply by filing with OSM an average of 7 reports each per year. OSM estimates that compliance with this section requires 24 hours per report and a total of 4,704 hours per year.

Section 886.24 requires the agency of the State or Indian Tribe to maintain complete records in accordance with OMB Circular No. 102. OSM estimates that each of the 28 respondents will require an average of 8 hours for record maintenance for the requirements in this section. OSM estimates that compliance with this section will require 8 hours for each respondent and a total of 224 hours per year.

OSM Abandoned Mine Land Reclamation Program Final Rules which were adopted on October 25, 1978, promulgated 30 CFR Parts 872, 877, 879, 882, 884 and 886. Although the Final Rules specified that the revisions pertaining to application, recordkeeping and report requirements would be effective on December 11, 1978, this effective date is contingent upon OSM's compliance with 44 U.S.C 3512 which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information is not presently available from other Federal sources and that the proposed application, recordkeeping and reporting requirements are consistent with the provisions of section 3512. This notice represents the beginning of our review.

John M. Lovelady,

Assistant Director, Regulatory Reports Review.

[FR Doc. 79-19047 Filed 6-18-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

Regional Public Advisory Panel on Architectural and Engineering Services; Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, on June 28, 1979, from 8 a.m. to 4. p.m., in the South Dakota Conference Room, Second Floor of Building 41 at the Denver Federal Center in Denver, Colorado. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for five energy conservation retrofit studies at the Denver Federal Center in Denver, Colorado. The meeting will be open to the public. In order to meet the schedule requirements of the full committee, it will be necessary to hold the meeting on the specified date.

Dated: June 8, 1979.

Dennis A. Jensen,

Regional Administrator.

[FR Doc. 79-18983 Filed 6-18-79; 8:45]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FDA-225-74-2011]

Dry Milk Products; Memorandum of Understanding With the Ministry of Agriculture and Fisheries of the Netherlands

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has Executed a memorandum of understanding with the Ministry of Agriculture and Fisheries of the Netherlands. The purpose of the understanding is to set forth cooperative working arrangements to diminish the detention rate of Netherland's dry milk products entering the United States and to expedite the entry of Netherland's dry milk products at U.S. ports.

DATES: The agreement became effective March 9, 1979.

FOR FURTHER INFORMATION CONTACT: Gary Dykstra, Regulatory Operations Section (HFC-22), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the Federal Register of October 3, 1974 (39 FR 35697) stating that future memorandums of understanding and agreements between FDA and others would be published in the Federal Register (see § 20.108(c) (21 CFR 20.108(c))), the agency is issuing the following memorandum of understanding:

Memorandum of Understanding Between the Food and Drug Administration, Department of Health, Education, and Welfare, and the Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of The Netherlands Covering Dry Milk Products Exported to the United States of America

Revised January 8, 1979.

Objectives

The mutual goals of the Food and Drug Administration (FDA) and The Ministry of Agriculture and Fisheries of the Netherlands in entering into this Memorandum of Understanding (MOU) are to:

1. Diminish the detention rate of Netherland's dry milk products entering the United States, through improved compliance with the regulations enforced by the FDA, and by assuring that contaminated or underprocessed dry milk products will not be imported to the U.S.

2. Expedite the entry of Netherland's dry milk products at U.S. ports by minimizing the need for extensive FDA audit sampling of dry milk products certified by the Ministry of Agriculture and Fisheries of the Netherlands as being in compliance with the microbiological standards enumerated in this agreement.

Definitions

For purposes of this Memorandum, both parties agree to the following definitions:

Dry Milk Products—Dry milk products include dry whole milk, nonfat dry milk, lowfat dry milk, dry cream, dry whey, dry buttermilk, casein, and caseinates.

Lot—A lot is a quantity of dry milk product produced by one manufacturer during a discrete period of time, not exceeding one day in one continuous process using a single processing line, packaged in identical containers which are identified by a code or mark traceable to the manufacturer.

Salmonella negative—The absence of *Salmonella* in 30/25 gram portions each taken from a lot of dry milk product and reconstituted individually or composited and tested by procedures outlined in the *Bacteriological Analytical Manual* (*BAM*) 5th Edition; or in *Methods of Analysis—AOAC.*

Phosphatase negative—Each of the 30 reconstituted 25 gram portions or composited units of dry milk product contains less than 1 microgram of phenol per milliliter of milk when tested by the Scharer Rapid Method indicating no under pasteurization or contamination with raw milk. Products found negative by the Storch Test (paraphenylenediamine test) will not be tested by the Scharer Method.

Penicillin negative—Each of the 30 reconstituted 25 gram portions or composited units contains no detectable residue of penicillin when tested by the *S. lutea* cylinder method; or, by the *B. stearothermophilus,* variety calidolactis, disk assay method normally used in the Netherlands for this purpose.

Obligations of Participants

The Ministry of Agriculture and Fisheries of The Netherlands

1. The Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of the Netherlands agrees to have the Netherlands Inspection Institute for Milk and Milk Products (CVM) inspect each lot of dry milk product voluntarily offered to it by the manufacturer, for export to the United States of America. This inspection will certify that the lot is *Salmonella* negative, phosphatase negative and penicillin negative.

2. The Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of the Netherlands agrees to have the CVM issue an export certificate for only those lots which meet the criteria of 1., above.

3. The Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of the Netherlands agrees to require all containers of lots exported to the United States of America under certificate to be identified by a lot number and marked together with all other information required by the Federal Food, Drug and Cosmetic Act.

4. The Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of the Netherlands agrees to include in the certificate for each lot exported to the United States of America the following information:

a. Lot identification, including name and address of manufacturer;

b. Number and size of containers in the lot;

c. Analytical results for *Salmonella,* phosphatase, and penicillin;

d. Date of the certificate; and

e. Name and stamp, or seal of authorizing official. The validated certificate will accompany the shipping manifest.

5. The Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of the Netherlands agrees to furnish to the Food and Drug Administration a copy of the current regulations, and procedures used to assure that dry milk products are sanitary.

6. The Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of the Netherlands agrees to furnish to the Food and Drug Administration a full description of the manufacturing processes and quality controls used to assure the production of sanitary dry milk products.

The Food and Drug Administration

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug and Cosmetic Act and the Fair Packaging and Labeling Act. In fulfilling its responsibilities under the Acts, FDA directs its activities toward the protection of the public health of the United States of America by ensuring that foods are safe and wholesome and that products are honestly and informatively labeled. This is accomplished by inspecting the processing and distribution of foods and by collecting and examining samples to assure compliance with these Acts. To carry out these responsibilities as they relate to imported dry milk products and in fulfillment of its Memorandum of Understanding commitment:

1. The Food and Drug Administration will sample dry milk products certificated under this Memorandum of Understanding to assure that the exporting country and the exported products comply with specifications set forth in this Memorandum. The intensity of sampling may be reduced on gaining confidence in the compliance of the products to these specifications. The FDA may also check for other attributes to make sure the products also comply with the other requirements of the Food, Drug and Cosmetic Act and the Fair Packaging and Labeling Act.

2. Information obtained by the Food and Drug Administration through its audit sampling will be shared with the Agricultural Attache of the Royal Netherlands Embassy.

3. Also, the Food and Drug Administration will promptly notify the Agricultural Attache of any detention of dry milk products covered by the Memorandum and of any modifications in the regulations.

4. The Food and Drug Administration will share expertise and will provide consultative assistance to the exporting country when necessary to assure the safety of the dry milk products exported to the United States of America.

5. If audit sampling discloses that certified dry milk products are not conforming to the requirements of the MOU and if adequate steps are not taken to correct the situation after proper notification, the Food and Drug Administration may consider termination of the Memorandum of Understanding.

Sample Collection

The same subsamples will be used for determining the presence of *Salmonella*, phosphatase and penicillin. They will be collected as follows:

Following aseptic techniques, 30 subsamples each containing approximately 100 grams will be randomly collected from each lot. If a lot contains packaged units weighing approximately 225 grams (about 8 ounces) or less, but more than 100 grams, 30 of these units will be randomly collected, unopened, from the lot.

Analytical Methodology

The subsamples of dry milk products will be aseptically reconstituted. To reduce the analytical workload, the subsamples collected from a lot may be combined to give 2 to 10 composites at the option of the testing laboratory and reconstituted. Examples of compositing combinations are given in Attachment A.[1]

1. *Salmonella.* Reconstituted dry milk products will first be analyzed for presence of *Salmonella* according to the methods contained in:

(a) *Bacteriological Analytical Manual,* Fifth Edition, 1978, Chapter VI—Detection and Identification of *Salmonella,* including *S. arizonae,* or in;

(b) *Methods of Analysis—AOAC,* Twelfth Edition, 1975, Chapter 46, Microanalytical Methods, Section 46.013, et seq. (Note: Both (a) and (b) give methods based upon 100 gram samples. For this MOU, 30/25 gram samples will be used instead.) Lots of dry milk products that are positive for *Salmonella* will not be certified for export to the United States.

2. *Phosphatase.* Only reconstituted dry milk products that are positive by the Storch Test will be tested for phosphatase activity by the Scharer Rapid Method for Phosphatase Analysis, described in *Standard Methods for the Examination of Dairy Products,* Thirteenth Edition, 1972, Section 18.4. Lots of dry milk products demonstrating positive phosphatase activity will not be certified for export to the United States.

3. *Penicillin.* Reconstituted dry milk products will be tested for penicillin residues by the following methods. The *S. lutea,* cylinder method as described in *Methods of Analysis—AOAC,* Twelfth Edition, Section 42.252 et seq., p. 812–813; Changes in Official Methods of Analysis made by the Nineteenth Annual Meeting, Oct. 18–21, 1976/Third Supplement to 12th Edition, Journal of AOAC, Volume 60, March 77, pp. 484–485, Section 42(4). The *B. stearothermophilus,* variety calidolactis, disk assay method described in the *International Standard FIL–IDF 57:1970* of the International Dairy Federation normally used in Denmark for this purpose.

While the Ministry of Agriculture and Fisheries of the Netherlands may choose to use either of these methods for certification of lots, FDA will continue to use the *S. lutea* cylinder method, which is an official *AOAC* method, in its regulatory enforcement to assure that imported dry milk products are free of detectable penicillin residues. Lots of dry milk products found to be penicillin positive, will not be certified for export to the United States.

References of Analytical Methods Cited in This MOU

1. *Bacteriological Analytical Manual,* Fifth Edition, 1978. The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20044.

2. *Methods of Analysis—AOAC,* Twelfth Edition, 1975. Changes in Official Methods of Analysis made at the Nineteenth Annual Meeting, Oct. 18–21, 1976/Third Supplement to 12th Edition, Journal of AOAC, Volume 60, March 77, pp. 484–485, Section 42(4). The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20044.

3. *Standard Methods for the Examination of Dairy Products,* Thirteenth Edition, 1972, Section 18.4. American Public Health Association, 1015 Eighteenth St. NW., Washington, DC 20036.

4. *The International Standard FIL–IDF 57:1970,* International Dairy Federation, General Secretariat, Square Vergot 41, Brussels, Belgium.

Modifications and Termination of the MOU

Changes in this Memorandum of Understanding may be proposed by either of the participants. When the proposed changes are acceptable to both participants, they will be incorporated into the Memorandum. This revision to the Memorandum of Understanding will become effective 60 days after signature by the participants, and will remain in effect pending revocation by either participant. Upon its effective date, this revised Memorandum of Understanding will be published in the Federal Register. A copy will be available for public review at the Office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

In witness whereof, the Agencies have executed this revision to the Memorandum of Understanding covering dry milk products presently in effect between our governments.

For the Directorate General for Agriculture and Food of the Ministry of Agriculture and Fisheries of the Netherlands:

Ir. A. de Zeeuw,

Director-General for Agriculture and Food, The Netherlands.

Dated: January 8, 1979.

For the Food and Drug Administration:

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs, Food and Drug Administration, United States of America.

Dated: December 20, 1978.

Effective date. This Memorandum of Understanding became effective March 9, 1979.

Dated: June 11, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

Attachment A

The 25 gram portions taken from each of the 30 samples collected from a lot of dry milk product may be composited according to the following options before reconstituting.

Number of—			
Composites to be prepared for analysis from the 30 samples collected	Samples in each composite	Grams of test product in each composite	Milliliters of sterile distilled water in which the weighed test product is to be reconstituted
2	15	375	3,750
3	10	250	2,500
5	6	150	1,500
6	5	125	1,250
10	3	75	750

Example of Compositing:

If the 2 composite option is selected, 25 gram portions are taken from each of 15 samples, weighed and reconstituted in 3,750 milliliters of sterile distilled water; 25 gram portions from each of the

[1] Filed as part of the original document.

remaining 15 samples are likewise weighed and added to an additional 3,750 milliliters of sterile distilled water. Each of these composites contains 375 grams of the test product.

[FR Doc. 79-18805 Filed 6-18-79; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 79D-0059]

Efficacy Evaluation of Equine Anthelmintics; Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the availability of a guideline for use in developing data to establish the effectiveness of equine anthelmintic drugs. The agency invites interested persons to submit written comments on the guideline.

ADDRESS: The guideline is available for public examination at, and comments may be submitted to, the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The Federal Food, Drug, and Cosmetic Act requires that a new animal drug must be the subject of an approved new animal drug application (NADA) before it may be marketed. Section 512(b)(1) of the act (21 U.S.C. 360b(b)(1)) requires that each NADA include full reports of investigations which show that the drug is safe and effective for use. Section 512(d) of the act (21 U.S.C. 360b(d)) enumerates the criteria that must be met before a new animal drug may be approved, including a requirement that a drug's effectiveness be shown by "substantial evidence" as defined in section 512(d)(3).

The Bureau of Veterinary Medicine has prepared a guideline that addresses the type of data to be included in an NADA for equine anthelmintic drugs to establish "substantial evidence" of effectiveness for the drug.

The guideline is available for public examination at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Written requests for single copies may be sent to the Food and Drug Administration, Bureau of Veterinary Medicine, Industry Information Branch (HFV-226), 5600 Fishers Lane, Rockville, MD 20857.

Interested persons may submit written comments on the guideline to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether amendments to or revisions of the guideline are warranted. Comments should be in four copies (except that individuals may submit single copies of comments), identified with the Hearing Clerk docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 12, 1979.

William F. Randolph,

Acting Associate Commission for Regulatory Affairs.

[FR Doc. 79-19000 Filed 6-18-79; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 79N-0206; DESI 12151]

Spironolactone; Drugs for Human Use; Drug Efficacy Study Implementation; Announcement

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the results of the efficacy review of spironolactone and the conditions for marketing it for the indications for which it is regarded as effective. The drug is used in the treatment of hypertension.

DATE: Supplements to approved NDA's due on or before August 20, 1979.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 12151, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Cardio-Renal Drug Products (HFD-110), Rm 16B-30, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for guidelines or information on conducting bioavailability tests: Division of Biopharmaceutics (HFD-520), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 9, 1966 (31 FR 9426), FDA asked each holder of a new drug application that became effective before October 10, 1962, to submit reports containing the best data available in suppport of the effectiveness of each such product for the claimed indications. The agency needed that information to determine, with the assistance of the National Academy of Sciences-National Research Council (NAS-NRC), whether each claim in the labeling is supported by substantial evidence of effectiveness, as required by the Drug Amendments of 1962.

Because Searle Laboratories, the sponsor of the following drug, did not submit such information, the drug was not reviewed by NAS-NRC.

NDA 12-151; Aldactone Tablets containing spironolactone; Searle Laboratories, P.O. Box 5110, Chicago, IL 60680.

In a notice (DESI 9296) published in the Federal Register of February 6, 1973 (38 FR 3418), FDA announced its conclusion that a combination of spironolactone and hydrochlorothiazide (NDA 12-616; Aldactazide Tablets, manufactured by Searle Laboratories) is effective for the treatment of hypertension, edema of congestive heart failure, cirrhosis of the liver, the nephrotic syndrome, and idiopathic edema.

Upon evaluating all available data on spironolactone in support of effectiveness, FDA has now concluded that the drug is effective for its labeled indications. This notice announces that conclusion and the conditions under which such drug products may be marketed.

As stated in the Federal Register of August 23, 1977 (42 FR 42311), the provision of 21 CFR 320.22(c) waiving

bioavailability data for certain drugs does not necessarily apply to drug products first announced as effective in DESI notices published after January 7, 1977. As this is the first notice announcing that spironolactone is effective, FDA has reviewed it for actual or potential bioavailability problems and has determined that spironolactone should be added to the list of drugs for which bioavailability data are not waived.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the product specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to the product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet form suitable for oral administration.

2. *Labeling conditions. a.* The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Spironolactone is indicated in the management of:

Primary hyperaldosteronism for:

Establishing the diagnosis of primary hyperaldosteronism by therapeutic trial.

Short-term preoperative treatment of patients with primary hyperaldosteronism.

Long-term maintenance therapy for patients with discrete aldosterone-producing adrenal adenomas who are judged to be poor operative risks, or who decline surgery.

Long-term maintenance therapy for patients with bilateral micro- or macronodular adrenal hyperplasia (idiopathic hyperaldosteronism).

Edematous conditions for patients with:

Congestive heart failure: For the management of edema and sodium retention when the patient is only partially responsive to, or is intolerant of, other therapeutic measures. Spironolactone is also indicated for patients with congestive heart failure taking digitalis when other therapies are considered inappropriate.

Cirrhosis of the liver accompanied by edema and/or ascites: Aldosterone levels may be exceptionally high in this condition. Spironolactone is indicated for maintenance therapy together with bed rest and the restriction of fluid and sodium.

The nephrotic syndrome: For nephrotic patients when treatment of the underlying disease, restriction of fluid and sodium intake, and the use of other diuretics do not provide an adequate response.

Essential hypertension:

Usually in combination with other drugs, Spironolactone is indicated for patients who cannot be treated adequately with other agents or for whom other agents are considered inappropriate.

Hypokalemia:

For the treatment of patients with hypokalemia when other measures are considered inappropriate or inadequate. Spironolactone is also indicated for the prophylaxis of hypokalemia in patients taking digitalis when other measures are considered inadequate or inappropriate.

3. *Marketing Status.* a. Marketing of such drug products that are the subject of a new drug application approved before October 10, 1962, may be continued provided that, on or before August 20, 1979, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained before marketing such products. The bioavailability regulations (21 CFR 320.21) require any person submitting an abbreviated new drug application after July 7, 1977, to include evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. No waiver will be granted for spironolactone. In light of the tumorigenic potential of spironolactone, demonstration of bioavailability must be undertaken in patients employing a multiple dose steady-state design performed under an IND. Guidelines are available from the Division of Biopharmaceutics (address given above).

Marketing before approval of a new drug application will subject such products, and the persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: June 14, 1979.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 79-19091 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Committee Advisory to National Cancer Institute; Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: President's Cancer Panel.

Dates: July 25, 1979; 9:30 a.m.—adjournment

Place: Building 31C Conference Room 7, National Institutes of Health

Times: Open for the entire meeting

Agenda: To hear reports on activities of the President's Cancer Panel and the National Cancer Program.

Executive Secretary: Dr. Richard A. Tjalma

Address: Building 31, Room 11A46, National Institutes of Health
Phone: 301-496-5854.
Name of committee: Cancer Control and Rehabilitation Advisory Committee
Dates: July 30, 1979; 9:00 a.m.—adjournment
Place: Building 31C Conference Room 7, National Institutes of Health
Times: Open for the entire meeting
Agenda: To review planning for several projects planned for funding in fiscal year 1980.
Executive Secretary: Mr. H. C. Noyes
Address: Blair Building, Room 720, National Cancer Institute, Silver Spring, Maryland 20910
Phone: 301-427-8636.
Name of committee: Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens
Dates: July 30, 1979; 9:00 a.m.—adjournment
Place: Building 31C Conference Room 8 National Institutes of Health
Times: Open for the entire meeting
Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection
Executive secretary: Dr. James M. Sontag
Address: Building 31 Room 3A16National Institutes of Health
Phone: 301-496-5108.

Dated: June 8, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-18996 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board, Subcommittee Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of an ad hoc subcommittee of the National Cancer Advisory Board, National Cancer Institute, July 31, 1979, Building 31, Conference Room 7, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to adjournment to review the role of the National Cancer Advisory Board. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of Board members, upon request.

Dr. Thomas J. King, Executive Secretary, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5147) will provide substantive program information.

Dated: June 8, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-18997 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HM (Alcohol, Drug Abuse, and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1654, January 11, 1974, as amended most recently by 43 FR 20562, May 12, 1978 and 44 FR 32292, June 5, 1979) is revised to reflect: (1) the establishment of an Office of Extramural Project Review in the National Institute on Drug Abuse and the National Institute of Mental Health and (2) the establishment of an Office of Extramural Policy and Project Review in the National Institute on Alcohol Abuse and Alcoholism.

Section HM-B, *Organization and Functions* is amended as follows:

1. Under *National Institute on Drug Abuse (HMH)* insert the following statement after the statement for the *Office of the Director (HMH1):*

Office of Extramural Project Review (HMH14)

(1) Plans, administers and coordinates peer and objective review of grant applications and contract proposals; (2) develops Institute review policies and procedures, provides orientation and guidance on such policies and procedures, and monitors the review process to ensure quality of review and conformance to policy; (3) recommends nominees for review groups; (4) administers the committee management function; (5) collects and analzses data relating to grant appications and contract proposals reviewed, and makes recommendations, as necessary, for changes in Institute committee structure and/or referral guidelines; (6) collaborates with other Institute and Office of the Administrator offices to ensure adequate exchange of information and assume optimum effectiveness of the review process; and (6) participates in the review of proposed DHEW, PHS, and ADAMHA policies and documents e.g., program announcements and guidelines affecting peer and object review.

2. Under *National Institute on Alcohol Abuse and Alcoholism (HMC),* insert the following statement after statement for the *Office of the Director (HMC1):*

Office of Extramural Policy and Project Review (HMC14)

(1) Plans, administers and coordinates peer and objective review of grant applications and contract proposals, except nonresearch and development contracts; (2) develops Institute review policies and procedures, provides orientation and guidance on such policies and procedures, and monitors the review process to ensure quality of review and conformance to policy; (3) recommends nominees for review groups; (4) administers the committee management function; (5) coordinates and assures the development of and adherence to program policies related to Institute extramural activities; (6) collects and analyzes data relating to grant applications and contract proposals reviewed, and makes recommendations, as necessary, for changes in Institute committee structure and/or referral guidelines; (7) collaborates with other Institute and OA offices to ensure adequate exchange of information and assure optimum effectiveness of the review process; and (8) participates in the review of proposed DHEW, PHS, and ADAMHA policies and documents (e.g., program announcements and guidelines) affecting peer and objective review.

3. *Under National Institute of Mental Health (HMM)* insert the following statement after statement for the *Office of the Director (HMM1):*

Office of Extramural Project Review (HMM14)

(1) Plans, administers and coordinates peer and objective review of grant applications and contract proposals; (2) develops Institute review policies and procedures, provides orientation and guidance on such policies and procedures, and monitors the review process to ensure quality of review and conformance to policy; (3) recommends nominees for review groups; (4) collects and analyzes data relating to grant applications and contract proposals reviewed, and makes recommendations, as necessary, for changes in Institute committee structure and/or referral guidelines; (5) collaborates with other Institute and Office of Administrator

offices to ensure adequate exchange of information and assure optimum effectiveness of the review process; and (6) participates in the review of proposed HEW, PHS, and ADAMHA policies and documents affecting peer and objective review.

Dated: June 9, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79-19046 Filed 6-18-79; 8:45 am]

BILLING CODE 4110-88-M

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 16727 appearing on page 31045 in the issue for Wednesday, May 30, 1979, make the following correction: In the middle column, in the third paragraph of the document with the introductory sentence, "Section AA.10 Organization", among the listing of elements constituting the Office of the Secretary, "Office of Civil Rights" should be corrected to read;

"Office for Civil Rights".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 27941]

Pipeline Application T.C.P. Gathering Co.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), TCP Gathering Co., 2334 East 3rd Avenue, Denver, Colorado 80206, has applied for a right-of-way for an 8⅝" o.d. natural gas pipeline across lands located in Colorado and Utah. The pipeline will cross approximately 4.808 miles in Colorado to the Slick Rock Processing Facility. The lands affected are described as:

T. 44 N., R. 19 W., N.M.P.M., Colorado
Section 7: Lots 1, 2, S½NE¼, SE¼NW¼
Section 8: S½N½, N½S½
Section 9: SW¼NE¼, S½NW¼
T. 44 N., R. 20 W., N.M.P.M., Colorado
Section 1: Lots 3, 4
Section 2: Lots 1, 2, 3
Section 12: N½NE¼
T. 45 N., R. 20 W. N.M.P.M., Colorado
Section 36: SW¼SE¼, SE¼SW¼

The proposed pipeline will enable the applicant to collect natural gas in San Juan County, State of Utah, and convey it to the Slick Rock Processing Facility to be refined then conveyed to customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of the environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the applications. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas pipeline to file its claims or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on TCP Gathering Co.

Any comments, claims, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Merrill G. Anderson,

Leader, Montrose Team, Branch of Adjudication.

[FR Doc. 79-19030 Filed 6-18-79; 8:45 am]

BILLING CODE 4310-84-M

[M 43822]

Montana; Application

June 11, 1979.

Notice is hereby given that, pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Continental Pipe Line Company has applied for one 3-inch crude oil pipeline across the following land:

Principal Meridian, Montana.
T. 8 N., R. 24 E.,
Sec. 2, Lots 1 and 8.

This pipeline will convey crude oil across 0.09 miles of public lands in Musselshell County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Drawer 1160, Lewistown, Montana 59457.

Kenneth J. Sire,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-19031 Filed 6-18-79; 8:45 am]

BILLING CODE 4310-84-M

[2880; U-42146, U-42155, U-42170, U-42239, U-42240 (Ue-942)]

Utah; Application

June 11, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for five natural gas pipeline rights-of-way across the following described lands. The pipelines range in size from 4½ to 12¾ inches in diameter.

Salt Lake Meridian, Utah
T. 15 S., R. 22 E.,
Secs. 26, 28, 33, 34 and 35.
T. 16 S., R. 22 E.,
Secs. 23 and 26.
T. 17 S., R. 23 E.,
Secs. 4, 8 and 9.
T. 15 S., R. 24 E.,
Sec. 29.
T. 15 ½ S., R. 24 E.,
Sec. 34.
T. 13 S., R. 25 E.,
Secs. 21, 22, 26, 27, 28, 29 and 35.
T. 14 S., R. 25 E.,
Secs. 1, 7, 8, 12, 15, 17, 18, 20, 21, 22 and 31.
T. 14 S., R. 26 E.,
Sec. 7.

The needed rights-of-way are a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the applications should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Vernal District Manager, Bureau of Land Management, P.O. Box F, Vernal, Utah, 84078.

Dell T. Waddoups,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-19032 Filed 6-18-79; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in

the National Register were received by the Heritage Conservation and Recreation Service before June 8, 1979. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted on or before July 30, 1979.

Charles A. Harrington,

Acting Keeper of the National Register.

ALABAMA

Russell County

Pittsview vicinity, *Glennville Historic District,* S of Pittsview.

ALASKA

Fairbanks Division

Delta Junction vicinity, *Sullivan Roadhouse,* W of Delta Junction.

COLORADO

Denver County

Denver, *Old Highland Business District,* 15th and Boulder Sts.

GEORGIA

Richmond County

Augusta, *Gould-Weed House,* 828 Milledge Rd.

ILLINOIS

St. Clair County

East St. Louis, *Pennsylvania Avenue Historic District,* Pennsylvania Ave.

IOWA

Chickasaw County

Chickasaw, *Chichasaw Octagon House,* Court St.

Lucas County

Chariton, *Payne, O. E., House,* 702 Auburn Ave.

Winneshiek County

Decorah, *Luther College Farm,* Luther College campus.

KENTUCKY

Daviess County

Owensboro, *Union Station,* 1039 Frederica St.

Fayette County

Lexington, *Brown, Joshua, House,* 2705 Tates Creek Rd.
Lexington, *Stony Point,* 4935 Parkers Mill Rd.
Lexington vicinity, *Bowman Houses,* W of Lexington on Bowman's Mill Rd.

Nelson County

Bardstown, *Johnson, Ben, House,* 1003 N. 3rd St.

MAINE

Lincoln County

Damariscotta, *Main Street Historic District,* Main St.

MARYLAND

Montgomery County

Washington Grove, *Washington Grove Historic District,* MD 124.

MISSOURI

Pulaski County

Waynesville, *Pulaski County Courthouse,* Courthouse Sq.

NEW JERSEY

Morris County

Mountain Lakes, *Grimes Homestead,* 45 Bloomfield Ave. (proposed move).

NEW YORK

Albany County

Cohoes, *Silliman Memorial Presbyterian Church,* Mohawk and Seneca Sts.

Chenango County

Greene, *Rosekrans Building,* 62 Genesee St.

Cortland County

Preble vicinity, *Little York Pavilion,* S of Preble off NY 281.

Onondaga County

Skaneateles, *Smith, Reuel E., House,* 28 W. Lake St.

NORTH CAROLINA

Edgecombe County

Mercer, *Nobles, Dr. A. B., House (McKendree Church)* NW of Mercer on SR 1224.

Forsyth County

Winston-Salem, *Slater Industrial Academy Houses Thematic Resources,* 340 Atkins St., 914 and 934 Stadium Dr.

Lenoir County

Kinston Vicinity, *Jackson, Jesse, House,* SE of Kinston on U.S. 11 (boundary increase).

Mecklenburg County

Charlotte, *Hotel Charlotte,* 327 W. Trade St.

Moore County

Aberdeen, *Bethesda Presbyterian Church,* NC 5.

Pender County

Scott's Hill, *Poplar Grove,* U.S. 17.

Rockingham County

Madison vicinity, *Fewell-Reynolds House,* W of Madison.

Stokes County

Pine Hall, *Pine Hall (Anderson-Hanes House)* SR 1901 and NC 772.

Yadkin County

Enon vicinty, *Glenwood,* E of Enon on SR 1549.

OHIO

Highland County

Rainsboro vicinity, *Barretts Mills,* CR 1A and Rocky Fork Creek (boundary increase).

PENNSYLVANIA

Monroe County

Bushkill vicinity, *Schoonover Mountain House,* S of Bushkill.
Stroudsburg vicinity, *Michael, John, Farm,* E of Stroudsburg.

TENNESSEE

Davidson County

Goodlettsville, *Cartwright House,* Old Dickerson Pike.

Hamilton County

Chattanooga, *Wiley United Methodist Church,* 504 Lookout St.

Robertson County

Springfield, *Springfield Town Square Historic District,* U.S. 41 and TN 49.

Washington County

Jonesboro vicinity, *Jackson Farm Historic Site,* S of Jonesboro at TN 107 and Jackson Bridge Rd.

TEXAS

Bexar County

Leon Springs, *Aue Stagecoach Inn,* Boerne Stage Rd. and I-10.

Somervell County

Glen Rose, *Somervell County Courthouse,* off TX 144.

Travis County

Austin, *Wooldridge Park,* Guadalupe St.

VIRGINIA

Isle of Wight County

Smithfield vicinity, *Four Square,* W of Smithfield on VA 620.
Winchester (independent city).
Winchester Historic District, U.S. 522, U.S. 11 and U.S. 50/17.

WASHINGTON

San Juan County

Orcas, *Orcas Hotel,* Orcas Island.

[FR Doc. 79-19623 Filed 6-18-79; 8:45 am]
BILLING CODE 4310-03-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Stewart Mechanical Enterprises, Inc.; Proposed Consent Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the

proposed judgment filed with the United States District Court for the Western District of Kentucky in Civil Action No. C75-0377L(A), United States of America v. Stewart Mechanical Enterprises, Inc., were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: June 6, 1979

Charles F. B. McAleer,

Special Assistant for Judgment negotiations, Office of Operations, Antitrust Division.

May 30, 1979.

Donald R. Balleisen, Esquire,
Greenbaum, Doll & McDonald, 33rd Floor, 101 South Fifth Street, First National Tower, Louisville, Ky.

Re: United States v. Stewart Mechanical Enterprises, Inc.—C75-0377L(A).

Dear Mr. Balleisen: Your letter of May 22, 1979 describes two concerns of Stewart Mechanical Enterprises ("Stewart") about the proposed Consent Judgment in this matter. First, you have indicated that, since all of the officers of Stewart often are out of town when it is time for a bid to be submitted, it sometimes would be very difficult for an officer to sign the noncollusion affidavit that the proposed Consent Judgment requires be attached to bids or quotations for mechanical contracting services. Because of the burden this provision would place upon Stewart and because of the possibility that the decree would have an anticompetitive effect in that this provision would prevent Stewart from submitting a bid in certain situations, the United States is willing to change the words "an officer * * * bids or quotations" to "the employee * * * bid or quotation" in lines five and six of Section VII. In changed form Section VII will read as follows:

VII

The Defendant is ordered and directed for a period of five (5) years from the date of entry of this Final Judgment to affix to every bid or quotation for the rendering of mechanical contracting services a written certification, signed by the employee of the defendant responsible for the preparation of the bid or the quotation, that such bid or quotation was not in any way the result, directly or indirectly, of any discussion, communication, agreement, understanding, plan or program, whether formal or informal, between the Defendant and any other mechanical contractor, except as specifically permitted by Paragraph VI of this final Judgment.

Based on my conversation with you on May 22, 1979, it is my understanding that these changes in Section VII would resolve the first problem Stewart has raised.

Your letter of May 22, 1979 also expressed concern as to whether the United States interpreted Section VII of the proposed Consent Judgment as including Stewart's repair service. Since this work generally involves repairs which are done on an emergency basis and the customers requesting such work generally do not seek competitive bids, the United States does not consider the repair service of Stewart to fall under Section VII of the proposed Consent Judgment.

Sincerely yours,

William J. Oberdick,

Attorney, Antitrust Division.

Law Offices Greenebaum Doll & McDonald
3300 First National Tower, Louisville, Kentucky 40202 (502) 589-4200, May 22, 1979.

Mr. William Oberdick,
Department of Justice, Antitrust Division, 995 Celebrezze Federal Bldg., Cleveland, Ohio

RE: United States of America v. Steward Mechanical Enterprises, Inc., C75-0377L(A).

Dear Mr. Oberdick: This letter is being sent as a result of certain problems that Stewart Mechanical Enterprises, Inc. has discovered in connection with the proposed Final Judgment in the above action. Stewart has two particular problems, both of which relate to the application of numerical section 7 of the Judgment.

These problems were developed at a meeting held on April 19, 1979, with the executive officers of Stewart and its employees involved in the preparation of mechanical contracting bids at which time the terms and application of the Judgment were reviewed.

The first problem relates to the person or persons required to sign the noncollusion statement provided for in numerical section 7 of the Judgment. Stewart at this time has appriximately 15 people involved in the preparation of mechanical contracting bids, all of whom at times may supervise or have knowledge of a particular bid. Only three of those persons are officers and those three have substantial duties in other areas of the business including supervision and inspection of work at job sites. Frequently such jobs are not in the Louisville area. At times all three are out of town at the same time when a bid is to be signed and filed. In these circumstances the bids are signed on behalf of Stewart by the employee in charge of the bid or who has knowledge of the bid. To require as presently provided in numerical section 7 of the Judgment, that the noncollusion certificate be signed by an officer with knowledge would in some instances require Stewart to withhold its bid because of the unavailability of such an officer. We believe that such a result was not the intent of either party to the Judgment. This problem could be solved by substituting for the word officer on the fifth line of numerical section 7, the employee of the Defendant responsible for the bid.

The second problem caused Stewart under the terms of numerical section 7 of the Judgment relates to its repair operation. Stewart has a repair group which operates separate and apart from its mechanical contracting business and deals almost exclusively with emergency work. The repair operation involves approximately 20 men who work from radio-equipped trucks. A customer with a repair problem calls the Stewart office and the office in turn contacts the truck nearest to the party who has called. The personnel on the truck then go to the customer and take care of his problem which usually is of an emergency nature and needs to be taken care of as soon as possible. These calls involve in the main such matters as malfunctioning air conditioners and furnaces or plumbing leaks which by their very nature compel immediate service. Approximately 98% of such work is for commerical and industrial customers. Only on rare occasions is a residential call involved.

The repair work also does not generally involve alteration work. On occasion an air conditioning window-type unit may be replaced but the repair department does not engage in modifying or enlarging heating, air conditioning or plumbing systems. It would appear that the nature of the business is such that repair work of this type is not within the terms of numerical section 7 of the Judgment and, if we are correct in this interpretation, we would appreciate your so advising us,

Sincerely yours,

Donald H. Balleisen.

United States Department of Justice,
Antitrust Division, Great Lakes Office, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, 216-522-4070, April 24, 1979.

Donald H. Balleisen, Esquire,
Greenbaum, Doll & McDonalds, 3300 First National Tower, Louisville, Ky.

Re: United States v. Stewart Mechanical Enterprises, Inc.—C75-0377L(A).

Dear Mr. Balleisen: In response to your letter of April 20, 1979, this is to advise you that we do not agree to incorporate your two requested clarifications into the proposed Final Judgment in this action. To agree at this time to such modifications, on the basis of circumstances which should have been considered by the defendant prior to the filing of this proposal, would require republication of the amended Judgment pursuant to the provisions of the Antitrust Procedures and Penalties Act.

If, after entry of the proposed Judgment, the defendant continues to believe some changes are necessary it may file an appropriate Motion to the Court under Paragraph X of the Judgment.

Sincerely yours,

William A. LeFaiver,

Attorney, Antitrust Division.

April 20, 1979.

Mr. William A. LeFaiver,
Department of Justice, Antitrust Division, 995 Celebrezze Federal Bldg., Cleveland, Ohio.

Re: United States of America v. Stewart Mechanical Enterprises, Inc., C75-0377L(A).

Dear Mr. LeFaiver: This letter is being written relative to clarifications of the Final Judgment entered in the above matter as discussed in our telephone conversation of April 19, 1979.

The two clarifications we desire both involve numerical paragraph VII of the Final Judgment. The first relates to exempting from the requirements of affixing the non-collusion statement to quotations of bids in amounts less than $1,000. The reason for this request is that Stewart Mechanical Enterprises, Inc. has a repair service which operates as a separate division. This service utilizes approximately

20 repairmen who work from trucks and make an average of 100 calls a day in total. The servicemen make their visits as a result of telephone calls and do the work and bill usually in the same day. Rarely, if ever, is a competitive bid involved and most of the calls involve relatively small amounts of money and only in a most unusual situation does the work involve more than $1,000.

The second clarification deals with the person required to sign certification. At the present time Stewart has approximately fifteen people involved in the preparation of bids and the filing of bids. Frequently bids are submitted under the signature of a non-officer and at the time of submission no corporate officer with knowledge is available to sign. The expansion of the business and the large amount of work being done outside of the Louisville area has caused this problem. We request that to meet it, Stewart be allowed to have the person who submits the bid sign the certification with the understanding that his signature be considered the action of the company and binding on it.

Unless we receive a written response that the above clarifications are not acceptable, we will advise Stewart Mechanical Enterprises, Inc. that they may act in accord with those clarifications.

I appreciate your courtesies in the matter.

Very truly yours,

Donald H. Balleisen.

bcc: Mr. George Duthie, Mr. Frank E. Haddad, Jr.

[FR Doc. 79-18693 Filed 6-18-79; 8:45 am]

BILLING CODE 4410-01-M

United States v. Krause Milling Company and ADM Milling Co.; Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the District of Kansas in *United States of America* v. *Krause Milling Company and ADM Milling Co.*, Civil Action No. 78-1122. The complaint in this case alleges that the two grain milling industry defendants conspired with each other by entering into an agreement to rig bids and allocate contracts for the sale of a blended food known as soy fortified sorghum grits (SFSG) to the Commodity Credit Corporation, an agency of the U.S. Department of Agriculture, in violation of Section 1 of the Sherman Act.

The proposed judgment enjoins defendant ADM for ten years from engaging in the illegal conduct alleged in the complaint. Krause remains a defendant. Also enjoined are communications by ADM with any seller of blended foods concerning prices or other terms of sale prior to communication of such information to the public generally, except in the course of bona fide purchase and sale transactions. The proposed judgment requires defendant ADM to take affirmative action for a period of five years to apprise management personnel of the requirements of the proposed judgment and the possible consequence of its violation. Further details of the injunctive relief are contained in the proposed judgment and the competitive impact statement.

Public comment is invited within the statutory 60-day comment period and should be directed to John E. Sarbaugh, Chief, Midwest Office, Antitrust Division, Department of Justice, Room 2634, 219 South Dearborn Street, Chicago, Illinois 60604. Such comments and responses thereto will be published in the Federal Register and filed with the Court.

Dated June 6, 1979.

Charles F. B. McAleer,

Antitrust Division, Department of Justice.

U. S. District Court, District of Kansas

United States of America, Plaintiff, v. *Krause Milling Company, and ADM Milling Co.*, Defendants.

Civil Action No. 78-1122.

Filed: June 6, 1979.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings: *Provided*, That plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant ADM and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to the plaintiff and defendant ADM in this and any other proceeding.

Dated: June 6, 1979.

For the Plaintiff. John H. Shenefield, Assistant Attorney General. William E. Swope, Director of Operations. Charles F. B. McAleer, /s/ Allyn A. Brooks, James J. Kubik, Diane C. Lotko-Baker, John E. Sarbaugh, Attorneys, Department of Justice.

For the Defendants. Dick H. Woods, Esq., Attorney, for ADM Milling Co., Stinson, Mag, Thomson, McEvers & Fizzell, Ten Main Center, Suite 2100, Kansas City, Missouri 64141.

Mark S. Prosperi, Attorneys, Department of Justice, Room 2634 Everett M. Dirksen Bldg., Chicago, Illinois 60604 (312) 353-7283.

U.S. District Court, District of Kansas

United States of America, Plaintiff, v. *Krause Milling Company and ADM Milling Co.*, Defendants.

Civil Action No. 78-1122.

Filed: June 6, 1979.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on March 27, 1978, and its amended complaint on July 26, 1978 and defendant ADM Milling Co. ("ADM"), having appeared and filed its answer to the amended complaint denying the material allegations thereof and raising an affirmative defense, and plaintiff having dismissed Counts Two and Three of its amended complaint as to defendant ADM by agreement with defendant ADM; and plaintiff and defendant ADM, by their respective attorneys, each having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence against or an admission by any party hereto with respect to any such issue;

Now, therefore, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence or admission by any party with respect to any such issue, and upon the consent of the parties aforesaid, it is hereby

Ordered, adjudged and decreed, with respect to Count One of plaintiff's amended complaint as to defendant ADM only as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. Count One of the amended complaint states a claim upon which relief may be granted against defendant ADM under Section 1 of the Sherman Act (15 U.S.C. 1).

(D) Communicate to or exchange with any other person manufacturing or selling blended foods any term or condition of sale including but not limited to any actual or proposed price, price component, price change, discount, total quantity, incremental price or quantity, or freight rate, at or upon which blended foods are to be, or have been, sold to any person, prior to the communication of such information to the public generally.

Subparagraphs (A) and (D) of this Section IV shall not apply to prices, discounts, or other terms or conditions of sale, or necessary communications relating thereto, offered by defendant ADM to any person or offered by any person to defendant ADM in negotiating for, entering into or carrying out a

bona fide sale or proposed sale or purchase of blended foods either between the defendant and such other person or where such other person is acting as a purchasing agent or group buying representative on behalf of any third person.

V

Defendant ADM shall furnish to the plaintiff a copy of each audit of its bidding procedures that may be required by the Final Order entered against it in the Commodity Credit Corporation Debarrment proceedings involving defendant ADM and commenced by the Commodity Credit Corporation's issuance on April 28, 1978, of its notices of proposed debarrment, and any written modifications or interpretations of those Orders.

VI

For a period of five (5) years from the date of entry of this Final Judgment, defendant ADM shall preserve all written price computations and other written calculations performed by it, subsequent to March 27, 1978, in the preparation of any bid on blended foods.

VII

Defendant ADM is ordered and directed:

(A) To furnish, within sixty (60) days after the entry of this Final Judgment, a copy of this Final Judgment to each of its officers and directors, and to each of its employees and agents who have any responsibility for preparing, reviewing or submitting bids on blended foods;

(B) To furnish a copy of this Final Judgment to each successor to such officers, directors, employees or agents described in Paragraph (A) of this Section VII within sixty (60) days after such successor becomes employed or associated with defendant ADM;

(C) To obtain a receipt from each person to whom a copy of this Final Judgment has been furnished pursuant to Sections VII A and B hereof, and to maintain said receipts so long as this Final Judgment is effective;

(D) To establish a program for dissemination of, education as to, and compliance with this Final Judgment, involving each corporate officer, director, employee and agent having responsibilities in connection with or authority over the establishment of prices, discounts, or other terms or conditions of sale of blended foods, advising them of its and their obligations under this Final Judgment. This program shall include an explanation of the Final Judgment and a statement of corporate compliance policy thereunder;

(e) To furnish to plaintiff within one hundred and twenty (120) days of the entry of this Final Judgment, and thereafter upon request by plaintiff for a period of five (5) consecutive years from the date of its entry, an annual account of all steps defendant has taken since the prior account to discharge its obligations under this Section VII and to include with said account copies of all written directives issued during the prior year with respect to compliance with the terms of this Final Judgment.

VIII

Defendant ADM shall require, as a condition of the sale or disposition of all, or substantially all, of the assets used by it in the production and sale of blended foods, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

IX

Defendant ADM agrees to cooperate with plaintiff during both the pre-trial discovery and the trial of this case, including but not limited to the following cooperation:

(A) Producing expeditiously in advance of trial any and all corporate documents not privileged and relevant to the issues in this case requested by the Government without the necessity of a subpoena;

(B) Consenting to interviews of corporate personnel, who may have counsel present, regarding any of the allegations in the complaint in this case and the explanation of corporate documents.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant ADM made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview under oath officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant ADM's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law or court order.

(C) If at the time information or documents are furnished by defendant ADM to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendant ADM is not a party.

XI

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violation thereof.

This Final Judgment shall be in effect for a period of ten years from the date of its entry by this Court.

XIII

Entry of this Final Judgment is in the public interest.

Dated: ———.

United States District Judge.

U.S. DISTRICT COURT, DISTRICT OF KANSAS

United States of America, Plaintiff, v. *Krause Milling Company, and ADM Milling Co.*, Defendants.

Civil No. 78-1122.

Filed: June 6, 1979.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)), the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I

Nature of the Proceeding

On March 27, 1978, the United States filed a civil complaint under Section 4 of the Sherman Act (15 U.S.C. 4), alleging that the defendants, Krause Milling Company and ADM Milling Co., had violated Section 1 of the Sherman Act (15 U.S.C. 1). The Complaint alleged that, beginning in late 1974 and continuing until late 1976, defendants and various co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce, the substantial terms of which were: (a) To allocate between the defendants contracts awarded by the Commodity Credit Corporation (hereinafter CCC), an agency of the United States Department of Agriculture, for the total volume of Soy Fortified Sorghum Grits, a type of blended food purchased by the CCC under the Food For Peace Program; and (b) to submit rigged, collusive and non-competitive bids to the CCC for the above-described contracts.

On July 26, 1978 the United States filed a First Amended Complaint in which the

above-described violation of Section 1 of the Sherman Act was realleged as Count One. In addition, Count Two alleged a violation of the False Claims Act (31 U.S.C. 231–233) and Count Three alleged actual damages under Section 4A of the Clayton Act (15 U.S.C. 15(a)). Counts Two and Three of the First Amended Complaint, seeking money damages for alleged overcharges suffered by the United States as a result of the alleged conspiracy, have been previously settled and compromised by the United States and the defendant ADM in the amount of $225,000 without adjudication of any issue of fact or law. The attached final judgment provides injunctive relief against defendant ADM under Count One. Krause remains a defendant.

A federal grand jury indictment against the same corporate defendants and one individual defendant, Charles A. Krause, president of Krause Milling Company, was also filed in the District of Kansas on March 27, 1978. The indictment alleged a criminal felony violation of Section 1 of the Sherman Act arising out of the same conspiracy alleged in this case. All defendants in the criminal case entered pleas of *nolo contendere* and were sentenced by District Judge Earl E. O'Connor on November 13, 1978. The sentences were as follows:

Krause Milling Company; $300,000 fine.

ADM Milling Co.; $200,000 fine.

Charles A. Krause; 2 years custody of the Attorney General, 6 months to be served with the remainder suspended.

Entry by the Court of the proposed consent judgment will terminate the remaining portions of this civil action against ADM, except insofar as the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment.

II

Description of Practices Involved in the Alleged Violation

The defendants are grain millers which manufacture Soy Fortified Sorghum Grits (SFSG), a high protein blended food product, which is sold to the CCC under the "Food For Peace Program" (Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended). The CCC ships the product to foreign countries for distribution by relief organizations to undernourished people and to victims of war, famine and a variety of natural disasters. Defendants' total sales of SFSG during the period of the alleged conspiracy amounted to about $28 million.

The Government would have been prepared to prove at trial that representatives of defendants entered into an agreement in mid-1974 to allocate the total purchases of SFSG by the CCC between their two companies roughly on the basis of their respective plant capacities (approximately 30% for ADM and 70% for Krause). This allocation was to be accomplished through a series of phone calls on the occasion of each bid during which the prices and quantities to be bid by each company would be discussed and agreed upon. Although representatives of defendants were unable to contact each other before each and every bid, they did so about one-half to three-fourths of the time. Bids were then submitted to the CCC containing the prearranged prices and quantities which each company had agreed to submit. This alleged bid rigging and contract allocation agreement continued until November, 1976 when grand jury subpoenas *duces tecum* were served upon the defendants.

According to the Complaint, the alleged conspiracy had the following effects:

(a) Prices of SFSG sold to the CCC under the Food For Peace Program were fixed, maintained, and established at artificial and non-competitive levels;

(b) Competition in such sales was restrained, suppressed and eliminated; and

(c) The United States Government was denied the benefits of free and open competition in the purchase of SFSG.

Defendants, in their formal pleadings filed in the case, denied all of the allegations in the Government's Complaint and were prepared, and Krause remains prepared, to dispute the evidence to be offered by the Government at a trial.

III

Explanation of the Proposed Final Judgment

The United States and the defendant ADM have stipulated that the proposed final judgment, which is in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment by the Court is conditioned upon a determination by the Court that the judgment is in the public interest.

A. *Prohibited Conduct.* The proposed judgment will prohibit ADM for a period of ten years from entering into or adhering to any agreement with any person to fix or maintain the prices or other terms or conditions for the sale of blended foods to any third party. The judgment also prohibits the submission of non-competitive, collusive, or rigged bids on contracts for the sale of blended foods to any person. Also forbidden is any agreement by ADM to allocate contracts, rotate of divide markets, customers, or territories with respect to sales of blended foods. The judgment also prohibits ADM, by agreement or individually, from communicating or exchanging with any other person any information on prospective prices, quantities, freight rates, discounts or other terms and conditions for the sale of blended foods, before such prices or other terms are made available to the public generally, except in the course of bona fide purchase and sales transactions.

B. *Require Conduct.* To ensure that all bids to the Government are made without collusion or agreement, the proposed judgment requires defendant ADM to furnish the Government a copy of any audit of its bidding procedures for CCC sales prepared in accordance with any Order of the CCC entered as a result of debarment proceedings conducted by CCC against ADM. To permit monitoring of compliance with the provisions relating to competitive bidding, defendant ADM is also required, over a five-year period, to preserve all written price computations and other calculations actually performed in connection with the submission of bids to public agencies.

To permit enforcement of the judgment against purchasers of ADM's milling assets, ADM Must require any purchaser of all or substantially all of ADM's assets used in the production and sale of blended foods to agree to be bound by the provisions of the judgment, and such agreement must be filed with the Court.

For the purpose of notifying all necessary employees regarding the prohibitions of the judgment, defendant ADM is required, within 60 days, to serve a copy of the judgment on each of their directors and officers, and upon each of their employees or agents who have any responsibility for preparing, reviewing, or submitting bids on blended foods. If new employees are hired in these positions in the future, ADM must also serve a copy of the judgment on these new employees. ADM must obtain and keep receipts reflecting the service of the judgment on corporate personnel. The judgment applies not only to the defendant corporation but also to its officers, directors, employees, and agents who have actual notice of the judgment. Requiring the defendant ADM to give such notice to its responsible personnel serves two purposes: it enables the affected employees to know what activities are prohibited, and it permits prosecution for criminal contempt of those employees who disregard the provisions of the judgment. ADM is also required to establish a reasonable program of advising those persons having duties in regard to establishment of prices, discounts, or other terms or conditions of sale of blended foods of the company's obligations under the judgment.

Under the proposed judgment, the Department of Justice is given access for ten years to the files and records of the defendant ADM in order to examine such records for compliance or noncompliance with the judgment. The Department is also granted access to interview employees of the defendant ADM to determine whether defendants are complying with the judgment.

C. *Effect of the Proposed Judgment on Competition.* The relief encompassed in the proposed consent judgment is designed to prevent a recurrence of any of the activities alleged in the Complaint. The prohibitory language of the judgment will ensure that all pricing decisions on blended foods are made independently by the individual competitors. The judgment contains sufficient record-keeping requirements and access to defendant ADM's records to allow the Departmen to adequately monitor defendant AMD's activities in the future.

Accordingly, it is the opinnion of the Department of Justice that the proposed judgment is fully adequate to prevent any future antitrust violations by the defendant

ADM. It is also the view of the Department that disposition of the case without additional litigation is appropriate in view of the fact that the proposed judgment includes the form and scope of relief equal to that which might be obtained after a full hearing on the issues at a trial.

IV

Remedies available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Since the CCC, an agency of the United States Department of Agriculture, was the only purchaser of blended foods, there are no potential private plaintiffs who have suffered any equitable or monetary damage as a result of the alleged violation in this case. Hence, no potential private litigants exist who have standing to sue under Section 4 9f the Clayton Act in this matter.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to John E. Sarbaugh, Department of Justice, Antitrust Division, Room 2634, 219 South Dearborn Street, Chicago, Illinois 60604, within the 60-day period provided by the Act. The comments and the government's responses to them will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary in the public interest. The proposed judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VI

Alternatives to the Proposed Consent Judgment

This case does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than the entry of the negotiated consent judgment. The proposed judgment contains virtually all the relief which was requested in the Complaint.

VII

Other Materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed judgment.

John E. Sarbaugh,

Attorney, Department of Justice.

Allyn A. Brooks,

James J. Kubik,

Diane C. Lotko-Baker,

Mark S. Prosperi,

Attorneys, Department of Justice. Room 2634, Everett M. Dirksen Bldg., Chicago, Illinois 60604, 312-353-7283.

[FR Doc. 79-16994 Filed 6-18-79; 8:45 am]

BILLING CODE 4410-01-M

United States v. Florida Power Corp.; Consent Decree in Action To Enforce Compliance With Terms of NPDES Permit

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Florida Power Corporation* has been lodged with the United States District Court for the Middle District of Florida. The decree imposes on defendant certain requirements and compliance dates with respect to the operation of its Anclote electric power generating facility and also imposes a $200,000 civil penalty for violations of the NPDES permit issued for that facility.

The Department of Justice will receive on or before July 19, 1979, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 10230 and should refer to *United States* v. *Florida Power Corporation,* D.J. Ref. 90-5-1-1-965.

The consent decree may be examined at the office of the United States Attorney, Middle District of Florida, 409 Post Office Building, 311 West Monroe Street, Jacksonville, Florida 32201, at the Region IV office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30308, and the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-18995 Filed 6-18-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-5036]

Akron & Barberton Belt Railroad Co., Barberton, Ohio; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on March 26, 1979, in response to a worker petition received on March 20, 1979, which was filed by the United Transportation Union on behalf of workers and former workers of the Akron and Barberton Belt Railroad Company, Barberton, Ohio, engaged in transporting materials in and out of tire plants and transporting the finished product to the consumer.

The Akron and Barberton Belt Railroad is engaged in providing the services of a terminal switching railroad. The company is owned by the Conrail System, the Chessie System, and the Norfolk and Western Railroad Company, and is a common carrier. Formerly, the major portion of the work of the railroad was carrying the tires of a major tire manufacturer in the local area.

Thus, workers of the Akron and Barberton Belt Railroad Company do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from the parent firms, a firm otherwise related to the Akron and Barberton Belt Railroad Company by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

The Akron and Barberton Belt Railroad Company and its customers have no controlling interest in one

another. The parent firms do not produce an article.

All workers engaged in railroad operations at the Akron and Barberton Belt Railroad Company are employed by that firm. All personnel actions and payroll transactions are controlled by the Akron and Barberton Belt Railroad Company. All employee benefits are provided and maintained by the Akron and Barberton Belt Railroad Company. Workers are not, at any time, under employment or supervision by customers of the Akron and Barberton Belt Railroad Company. Thus, the Akron and Barberton Belt Railroad Company, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of the Akron and Barberton Belt Railroad Company, Barberton, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18817 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, as instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 29, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 29, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of June 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alabama Fuel Company #1 Mine (Southern Labor Union).	Summersville, W. Va	6/6/79	5/30/79	TA-W-5,550	Mining of coal.
Bata Shoe Co., Inc. (company)	Belcamp, Md	6/7/79	6/4/79	TA-W-5,551	Rubber, canvas and vinyl footwear.
Bata Shoe Co., Inc. (company)	Elkins, W. Va	6/7/79	6/4/79	TA-W-5,552	Rubber, canvas and vinyl footwear.
Bee & Jay Sportswear (workers)	Philadelphia, Pa	6/5/79	5/31/79	TA-W-5,553	Men's sportswear.
East West Leathers, Inc. (workers)	San Francisco, Calif	6/7/79	5/29/79	TA-W-5,554	Leather garments.
Ecko Housewares—Massilon Division (workers).	Massilon, Ohio	6/4/79	5/25/79	TA-W-5,555	7"-12" skillets 1 QT to 12 QT saucepans.
Golo Footwear Corp. (workers)	Dunmore, Pa	6/4/79	5/30/79	TA-W-5,556	Boots and shoes for ladies.
J. Schoeneman, Inc., Sunlite Division (ACTWU).	Owings Mills, Md	6/7/79	5/31/79	TA-W-5,557	Men's suits and sportcoats.
Tygart Coal Company (workers)	Clarksburg, W. Va	6/7/79	5/31/79	TA-W-5,558	Mining of coal.

[FR Doc. 79-18818 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5248]

Converse Rubber Co., Lumberton Division, Lumberton, N.C.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 16, 1979 which was filed on behalf of workers and former workers producing athletic canvas footwear at the Lumberton Division of Converse Rubber Company, Lumberton, North Carolina. It is concluded that all of the requirements have been met.

Imports of rubber/canvas footwear increased in 1978 from 1977, both in absolute terms, and relative to domestic production.

Customers of Converse Rubber Company surveyed by the Department of Labor indicated that they had

decreased purchases of canvas and athletic footwear from Converse and increased purchases of imports during the period under investigation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with canvas and athletic footwear produced at the Lumberton, North Carolina plant of Converse Rubber Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lumberton, North Carolina plant of Converse Rubber Company who became totally or partially separated from employment on or after November 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18819 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5236]

Dyna Coal No. 1, Anawalt, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 16, 1979 in response to a worker petition received on April 2, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at Dyna Coal No. 1, Anawalt, West Virginia. In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department survey revealed that none of Dyna's customers purchased any imported coal or imported coke.

In addition, a substantial portion of the coal Dyna sold was used for the export market by its customers.

Conclusion

After careful review, I determine that all workers of Dyna Coal No. 1, Anawalt, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18820 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4479]

Ernst Strauss, Inc., Los Angeles, Calif.; Negative Determination on Reconsideration

On May 16, 1979, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Ernst Strauss, Inc., Los Angeles, California. This determination was published in the Federal Register on May 25, 1979, (44 FR 30479).

The petitioning union claimed that the Department should redefine the appropriate worker group to those workers in a subdivision of Ernst Strauss, Inc., namely, the Ernst Strauss Department which produces women's jackets and coats.

The Department's further investigation revealed that although production and sales records for the Ernst Strauss Department are not kept separately, records of wages paid to workers are kept separately. These data show that wages paid to Ernst Strauss Department workers increased in 1978 compared to 1977. Based on these wage records and other information, the Labor Department is unable to conclude that a significant number or proportion of the workers of the Ernst Strauss Department have become separated wholly or partially from employment or are threatened with such separation.

The Department's initial investigation had found that the employment requirement of Section 222 had not been met for the firm, Ernst Strauss, Inc.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Ernst Strauss, Inc., Los Angeles, California.

Signed at Washington, D.C., this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18821 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5315]

F. J. Boutell Driveaway Co, Inc., Jersey City, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 30, 1979, in response to a worker petition received on April 12, 1979, which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America on behalf of workers and former workers of F. J. Boutell, Hoboken, New Jersey, engaged in shipping cars. The investigation revealed that the legal title of the firm is F. J. Boutell Driveaway Company, Incorporated, and that although the mailing address of the firm is Hoboken, New Jersey, the transport facility where the petitioners are employed is located in Jersey City, New Jersey.

The Jersey City, New Jersey facility of F. J. Boutell Driveaway Company, Incorporated is engaged in providing the service of transporting new automobiles from an auto terminal to automobile dealers in the metropolitan areas.

Thus, workers of the Jersey City, New Jersey facility of F. J. Boutell Driveaway Company, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to F. J. Boutell Driveaway Company, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the

statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

F. J. Boutell Driveaway Company, Incorporated and its customers have no controlling interest in one another. B & C, Incorporated, a subsidiary of the subject firm, does not produce an article.

All workers engaged in transporting new automobiles at the Jersey City, New Jersey facility of F. J. Boutell Driveaway Company, Incorporated, are employed by that firm. All personnel actions and payroll transactions are controlled by F. J. Boutell Driveaway Company, Incorporated. All employee benefits are provided and maintained by F. J. Boutell Driveaway Company, Incorporated. Workers are not, at any time, under employment or supervision by customers of F. J. Boutell Driveaway Company, Incorporated. Thus, F. J. Boutell Driveaway Company, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of the Jersey City, New Jersey, facility of F. J. Boutell Driveaway Company, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of theTrade Act of 1974.

Signed at Washington, D.C. this 7th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18822 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5122]

F.S.C. Enterprises, Inc., Fayette County, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 2, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers producing coal at F.S.C. Enterprises, Incorporated, Surface Mine #1, Fayette County, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The average number of workers employed by F.S.C. Enterprises increased in the last four months of 1978 compared to the same period of 1977. Workers of F.S.C. Enterprises were on strike between December 6, 1977 and March 27, 1978. Labor turnover data shows that all separations of workers in 1978 and the first three months of 1979 were due to quits and retirements. There were no layoffs and average weekly hours worked per employee did not change significantly in 1978 or the first three months of 1979.

Conclusion

After careful review, I determine that all workers of F.S.C. Enterprises, Incorporated, Fayette County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18823 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5240]

Fisher Coal Co., Hillsboro, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 16, 1979 in response to a worker petition received on April 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at the Fisher Coal Company, Hillsboro, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey conducted by the Department revealed that the subject firm's customers exported all but an insignificant amount of the coal they purchased from the subject firm, therefore any imports of coal or coke will have a negligible impact on employment.

Conclusion

After careful review, I determine that all workers of the Fisher Coal Company, Hillsboro, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18824 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5250]

Florsheim Shoe Co., Poplar Bluff, Mo.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 5, 1979 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's dress shoes at the Poplar Bluff, Missouri plant of the Florsheim Shoe Company. It is concluded that all of the requirements have been met.

U.S. imports of men's dress and casual footwear increased absolutely and relative to domestic production in 1977

compared to 1976 and increased relative to domestic production in 1978 compared to 1977. Imports as a percentage of domestic production exceeded 75 percent during 1976, 1977 and 1978.

Total Florsheim Shoe Company imports of men's footwear increased in 1977 and 1978 compared to the previous year and during the first quarter of 1979 compared to the first quarter of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress footwear produced at the Poplar Bluff, Missouri plant of the Florsheim Shoe Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Poplar Bluff, Missouri plant of the Florsheim Shoe Company who became totally or partially separated from employment on or after december 24, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the trade Act of 1974.

Signed at Washington, D.C. this 8th day June 1979.

Harry J. Gilman

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18825 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5175]

Foam Pillow Corp., Long Island, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 6, 1979 in response to a worker petition received on April 2, 1979 which was filed on behalf of workers and former workers producing decorative pillows, sleeping pillows, chair and bed rests at the Foam Pillow Corporation, Long Island, New York. The investigation revealed that the plant produced primarily decorative pillows. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation indicated that U.S. imports of pillows and cushions are negligible. The ratio of imports to domestic production of pillows and cushions in 1978 was 0.7 percent.

Conclusion

After careful review, I determine that all workers of the Foam Pillow Corporation, Long Island, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18826 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5237]

Green Leaf Fashions, Inc., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 16, 1979, in response to a worker petition received on April 10, 1979, which was filed on behalf of workers and former workers producing ladies' coats and suits at Green Leaf Fashions, Incorporated, New York, New York. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's coats and jackets increased in 1977 compared to 1976 and increased in 1978 compared to 1977. U.S. imports of women's, misses' and children's suits increased in 1978 compared to 1977.

Customers of the subject firm were surveyed by the Department. Customers representing a significant proportion of sales of the subject firm, decreased purchases from the subject firm and increased import purchases of ladies' coats and suits in 1978 compared to 1977. Some customers decreased purchases of ladies' coats from the subject firm and increased imports of ladies' coats in the first quarter of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' coats and suits produced at Green Leaf Fashions, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Green Leaf Fashions, Incorporated, New York, New York who became totally or partially separated from employment on or after April 3, 1978 and before May 31, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18827 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5152]

Hinkle & Son, Inc., Canvas, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 2, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers of Hinkle and Son, Incorporated, Canvas, West Virginia, a coal hauler.

Hinkle and Son, Incorporated is engaged in providing the service of transporting coal by truck from a customer's mine to a tipple.

Thus, workers of Hinkle and Son, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Hinkle and Son, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Hinkle and Son, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting coal by truck at Hinkle and Son, Incorporated, Canvas, West Virginia, are employed by that firm. All personnel actions and payroll transactions are controlled by Hinkle and Son, Incorporated. All employee benefits are provided and maintained by Hinkle and Son, Incorporated. Workers are not, at any time, under employment or supervision by customers of Hinkle and Son, Incorporated. Thus, Hinkle and Son, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Hinkle and Son, Incorporated, Canvas, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18828 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5045]

International Shoe Co., Inc., Perryville, Mo.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on March 28, 1979 in response to a worker petition received on March 22, 1979 which was filed by the Retail Clerks International Union on behalf of workers and former workers producing men's and women's shoes at the Perryville, Missouri plant of International Shoe Company, Incorporated. The investigation revealed that the plant produces primarily men's dress and work shoes and women's work shoes. It is concluded that all of the requirements have been met.

U.S. imports of men's dress and casual shoes, except athletic, increased absolutely and relative to domestic production from 1976 to 1977. Imports decreased absolutely and increased relatively from 1977 to 1978.

U.S. imports of work footwear increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

A survey was conducted of customers of International Shoe Company, Incorporated. The survey revealed that some customers decreased purchases of mens shoes from International Shoe Company, Inc. and increased purchases of imported shoes in 1978 and in the first quarter of 1979.

International Shoe Company, Incorporated also began to import men's dress and work shoes in 1978. These imports are directly competitive with the shoes produced at the Perryville, Missouri plant and represent a significant portion of the decline in production at the Perryville plant.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress and work shoes and women's work shoes produced at the Perryville, Missouri plant of International Shoe Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of International Shoes Company, Incorporated, Perryville, Missouri who became totally or partially separated from employment on or after January 13, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18829 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5224]

Island Creek Coal Co., Northern Division, the Beaver Deep Mine, the Tioga Surface Mine, The Tioga Preparation Plant, Craigsville, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 12, 1979 in response to a worker petition received on April 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers producing coal for the Island Creek Coal Company, Northern Division, Craigsville, West Virginia. The investigation revealed that the mine primarily produces steam coal. The investigation further revealed that the petition includes the Beaver Deep Mine, the Tioga Surface Mine, and the Tioga Preparation Plant, only. In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Island Creek Coal Company, a wholly-owned subsidiary of Occidental Petroleum Corporation, operated coal mining operations throughout the United States. The United Mine Workers of America (U.M.W.A.) filed this petition on behalf of all miners (represented by U.M.W.A.) employed in the Northern Division of Island Creek Coal Company. Sources stated that three facilities (the Beaver Deep mine, the Tioga Strip mine and Tioga Preparation Plant) have experienced total separations and decline in sales and production

following the closing of the three facilities on March 23, 1979. Sources further stated that all coal mined from the mines and cleaned by this preparation plant is sold to domestic customers for use in producing steam.

U.S. imports of bituminous coal are negligible, being well less than one percent.

Conclusion

After careful review, I determine that all workers of the Island Creek Coal Company, Northern Division, the Beaver Deep mine, the Tioga Surface mine, and the Tioga Preparation Plant, Craigsville, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18830 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5210-5211]

Jerome Industries Corp., Kenilworth, N.J., Orange, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 10, 1979 in response to worker petitions received on April 9, 1979 which were filed on behalf of workers and former workers producing wall plug converter adapters at the Kenilworth and Orange, New Jersey plants of Jerome Industries Corporation. It is concluded that all of the requirements have been met.

Imports of power conversion adapters increased in 1978 compared to 1977.

Major surveyed customers decreased purchases from Jerome Industries and increased purchases of imported wall plug converter adapters in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with wall plug converter adapters produced at the Kenilworth and Orange, New Jersey plants of Jerome Industries Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Jerome Industries Corporation, Kenilworth and Orange, New Jersey who became totally or partially separated from employment on or after April 5, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18831 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5093]

Kay Fashions, Inc., Lodi, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on March 30, 1979, in response to a worker petition received on March 30, 1979, which was filed on behalf of workers and former workers producing ladies' dresses, skirts, and suits at Kay Fashions, Incorporated, Lodi, New Jersey. The investigation revealed that Kay Fashions also produces pants. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Production at Kay Fashions increased substantially in both quantity and value from 1977 to 1978. Production, in value, increased in the first five months of 1979 compared to the first five months of 1978.

Employment at Kay Fashions remained constant from 1977 to 1978. Reduced employment and production levels in the first quarter 1979 at Kay Fashions can be attributed to normal business fluctuations. Production at Kay Fashions increased in April and May 1979, subsequent to the short downturn.

Conclusion

After careful review, I determine that all workers of Kay Fashions, Incorporated, Lodi, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18832 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5396]

Kristie Minerals, Inc., Richwood, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 15, 1979, in response to a worker petition received on April 9, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at Kristie Minerals, Incorporated, Richwood, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey conducted by the Department revealed that the subject firm's customers exported all but an insignificant amount of the coal they purchased from the subject firm, therefore, any imports of coal or coke

will have a negligible impact on employment.

Conclusion

After careful review, I determine that all workers of Kristie Minerals, Incorporated, Richwood, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18833 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5199]

L. W. Foster Sportswear Co., Inc., Philadelphia, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 10, 1979 in response to a worker petition received on April 5, 1979 which was filed on behalf of workers and former workers producing men's suits and jackets at L. W. Foster Sportswear Company, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that the plant produces primarily men's suits and sportcoats. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored dress coats and sportcoats increased absolutely and relative to domestic production in 1978 compared to 1977.

U.S. imports of men's and boy's tailored suits increased absolutely in 1978 compared to the 1974 to 1977 annual average and increased absolutely in the period January to February 1979 compared to the same period in 1978.

A survey conducted by the Department revealed that major customers of L. W. Foster Sportswear Company decreased purchases from that firm and increased purchases of imported men's suits and sportcoats in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits and sportcoats produced at L. W. Foster Sportswear Company, Incorporated, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of L. W. Foster Sportswear Company, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after April 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18834 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5107]

Larrimore, Limited, et al., Philadelphia, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 4, 1979 in response to a worker petition received on March 23, 1979 which was filed on behalf of workers and former workers producing men's coats and trousers at the Philadelphia, Pennsylvania plant of Larrimore, Limited. The investigation revealed that the plant primarily produced men's tailored suits and sport coats. It also revealed that the petition should be expanded to include workers producing men's tailored suits and sport coats at the Philadelphia, Pennsylvania plants of Makranskys, Incorporated and Mario Di Santo, Incorporated. It is concluded that all of the requirements have been met.

Imports of men's and boys' tailored dress coats and sport coats increased in 1978 to 6,349 thousand units compared to 6,239 thousand units in 1977.

Makranskys, Incorporated is a men's clothing manufacturer. In May, 1977 all sewers employed at Makranskys were formed into another company, Mario Di Santo, Incorporated. All sewers at Makranskys went to work for Mario Di Santo, Incorporated. In April, 1978, all cutters employed at Makranskys were formed into a third company, Larrimore, Limited. Makransky's Incorporated and Larrimore, Limited share common ownership. Mario Di Santo, Incorporated and Larrimore, Limited also share common ownership. Workers at Mario Di Santo and Larrimore, Limited sewed and cut, respectively, for Makranskys, Incorporated until July, 1978. In July, 1978 Makranskys, Incorporated and Larrimore, Limited closed. Since July, 1978 Mario Di Santo, Incorporated has attempted to solicit other orders, but has been unable to reach previous levels.

The Department conducted a survey of customers of Makranskys, Incorporated. The results of this summary indicated that some of these customers had decreased purchases from Makranskys, Incorporated in the period January through September, 1978 compared to the same period in 1977, and had increased purchases of imports during that period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's tailored suits and sport coats produced at the Philadelphia, Pennsylvania plant of Makranskys, Incorporated, including Larrimore Limited, and Mario Di Santo, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Makranskys, Incorporated, including Larrimore, Limited, and Mario Di Santo, Incorporated, Philadelphia, Pennsylvania who became totally, or partially separated from employment on or after March 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

James F. Taylor,

Director, Office of Management, Adminstration, and Planning.

[FR Doc. 79-18835 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5132]

Layland Coal Co., Kim-Lyn Tipple, Fayette County, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 2, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers of Layland Coal Company, Kim-Lyn Tipple, Fayette County, West Virginia, engaged in operating a tipple machine.

Layland Coal Company is engaged in providing the service of weighing coal trucks, operating a coal loading tipple, and maintaining a stockpile of coal. Some of the coal is bought, loaded, and sold by Layland Coal Company, and some is handled on a contract basis.

Thus, workers of Layland Coal Company, Kim-Lyn Tipple, Fayette County, West Virginia, do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from the parent firm, a firm otherwise related to Layland Coal Company by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Layland Coal Company and its customers have no controlling interest in one another. The parent company, the Berwind Corporation, does not produce coal.

All workers engaged in weighing coal trucks, operating a coal loading tipple, and maintaining a stockpile of coal at Layland Coal Company, Kim-Lyn Tipple, Fayette County, West Virginia, are employed by that firm. All personnel actions and payroll transactions are controlled by Layland Coal Company. All employee benefits are provided and maintained by Layland Coal Company. Workers are not, at any time, under employment or supervision by customers of Layland Coal Company. Thus, Layland Coal Company, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Layland Coal Company, Kim-Lyn Tipple, Fayette County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18836 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5074 and TA-W-5074-A]

Lloyd's Electronics, Inc., Edison, N.J., and Lloyd's Electronics of California, Inc., Compton, Calif.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on March 29, 1979 in response to a worker petition received on March 26, 1979 which was filed on behalf of workers and former workers producing home stereo equipment at the Edison, New Jersey plant of Lloyd's Electronics, Incorporated (TA-W-5074). The investigation was expanded to include workers and former workers producing home stereo equipment at the Compton, California plant of Lloyd's Electronics of California, Incorporated (TA-W-5074-A), a subsidiary of Lloyd's Electronics, Incorporated. It is concluded that all of the requirements have been met.

U.S. imports of radio-phonograph-tape audio sound systems increased in unit volume from 1977 to 1978. The ratio of imports to domestic production of audio sound systems increased from 358.3 percent in 1977 to 466.4 percent in 1978.

During the fourth quarter of 1978, Lloyd's Electronics reduced domestic assembly operations at its Edison, New Jersey and Compton, California plants and increased its reliance on imports of finished home stereo equipment. Corporate imports of home stereo equipment increased from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with home stereo equipment produced at Lloyd's Electronics, Incorporated, Edison, New Jersey and at Lloyd's Electronics of California, Incorporated, Compton, California contributed importantly to the decline in sales or production and to the total or partial separation of workers of those plants. In accordance with the provisions of the Act, I make the following certification:

All workers of Lloyd's electronics, Incorporated, Edison, New Jersey and all workers of Lloyd's Electronics of California, Incorporated, Compton, California who became totally or partially separated from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-18837 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5227]

Lucy Ann Footwear Corp., Paterson, N.J.; Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 12, 1979 in response to a worker petition received on April 9, 1979 which was filed by the United Shoe Workers of America on behalf of workers and

former workers producing women's footwear at Lucy Ann Footwear Corporation, Paterson, New Jersey. The investigation revealed that the plant produces womens's slippers and casual shoes. In the following determinations, without regard to whether any of the other criteria have been met for workers producing women's slippers, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that U.S. imports of women's slippers declined absolutely and relatively from 1976 to 1977 and from 1977 to 1978.

For workers producing women's casual shoes, all of the criteria have been met.

U.S. imports of women's non-rubber footwear increased from 1977 to 1978.

The Department surveyed the customers of Lucy Ann Footwear. The respondents who indicated increased imports of women's slippers and casual shoes accounted for most of the decline in sales at Lucy Ann Footwear from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's casual shoes produced at Lucy Ann Footwear Corporation, Paterson, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in the production of women's casual shoes at Lucy Ann Footwear Corporation, Paterson, New Jersey who became totally or partially separated from employment on or after October 6, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning

[FR Doc. 79-18838 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5133 etc.]

Lyburn Coal Co., et al.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Lyburn Coal Co., Logan City, W. Va., TA-N-5133, Metco Mining Corp., Logan City, W. Va., and Logan Mohawk Coal Co., Logan, W. Va., TA-W-5383.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979 in response to a worker petition received on April 3, 1979 which was filed on behalf of workers and former workers engaged in employment related to the mining of coal at Lyburn Coal Company, Logan City, West Virginia and Metco Mining Corporation, Logan City, West Virginia.

Another investigation was initiated on May 14, 1979 in response to a worker petition received on May 9, 1979 which was filed on behalf of workers and former workers engaged in employment related to the mining of coal at Logan Mohawk Coal Company, Logan, West Virginia. It is concluded that all of the requirements have been met.

While U.S. imports of metallurgical coal have been negligible, U.S. imports of coke increased in 1977 compared to 1976 and in 1978 compared to 1977.

Coke is metallurgical coal at a later stage of processing. Since a domestic article may be "directly competitive" with an imported article at a later stage of processing, imports of coke can be considered in determining import injury to workers producing metallurgical coal at Lyburn Coal Company, Metco Mining Corporation and Logan Mohawk Coal Company.

Lyburn Coal Company, Metco Mining Corporation and Logan Mohawk Coal Company sold all their coal through a single broker.

The Department of Labor conducted a survey of firms purchasing metallurgical coal through this broker. All of these customers stopped purchasing coal mined by Logan Mohawk, Metco and Lyburn about the time that those firms closed. None of these customers surveyed purchased any imported coal in 1977 or 1978. Customers that accounted for a significant proportion of the sales of Logan Mohawk, Metco and Lyburn increased purchases of imported coke in 1978 compared to 1977 and reduced purchases of domestically mined metallurgical coal at the same time.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal produced at Lyburn Coal Company, Logan City, West Virginia, Metco Mining Corporation, Logan City, West Virginia and Logan Mohawk Coal Company, Logan, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Lyburn Coal Company, Logan City, West Virginia, Metco Mining Corporation, Logan City, West Virginia and Logan Mohawk Coal Company, Logan, West Virginia who became totally or partially separated from employment on or after December 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18839 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5182 and 5183]

M and B Coal Co., Wyoming County, W. Va.; Indian Creek Mine Nos. 15 and 7; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 6, 1979, in response to a worker petition received on April 2, 1979, which

was filed by the United Mine Workers of America on behalf of workers and former workers producing metallurgical coal at M & B Coal Company, Wyoming County, West Virginia, Indian Creek Mine #5. The investigation revealed that M & B does not operate Indian Creek Mine #5. M & B operates Indian Creek Mine #7 and Indian Creek Mine #15. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

M & B sells all of its coal to another domestic coal company. This company does not buy any imported coal and reported increasing sales of coal over the past two years. This company also exports almost all of its coal. Furthermore, this company was itself the subject of an recent adjustment assistance investigation which resulted in a Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance. The company reported that it did not reduce purchases from M & B except during the Norfolk and Western Railroad Strike in 1978 and for a short period in February 1979 when adverse weather conditions led to a shortage of railroad cars in which to ship coal.

Conclusion

After careful review, I determine that all workers of the M & B Coal Company, Wyoming County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-18840 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5306-5309]

Maben Energy Corp., Maben Energy Mine Nos. 1, 3, 4, and 5, Wyoming County, W. Va; Notice of Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigations were initiated on April 26, 1979, in response to worker petitions received on April 23, 1979, which were filed by the United Mine Workers of America on behalf of workers and former workers producing low-volatile metallurgical coal at the Maben Energy Corporation, Maben Energy Mines #1, #3, #4, and #5, Wyoming County, West Virginia. In the following determination, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Employment decreases at the Maben Energy Corporation are attributable to the UMWA strike in January–March 1978, a fire at the Westmoreland Coal Company tipple in May 1978, and the Norfolk and Western Railroad strike in July–August 1978. Employment levels at all four of the Maben Energy Corporation mining facilities in Wyoming County, West Virginia, have remained stable during the non-strike periods in 1978, and in January–April 1979, with no layoffs except for the aformentioned events.

Conclusion

After careful review, I determine that all workers of Maben Energy Corporation, Maben Energy Mines #1, #3, #4 and #5, Wyoming County, West Virginia, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., June 8, 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-18841 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5213]

Metaframe Corp., Elmwood Park, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 10, 1979, in response to a worker petition received on April 9, 1979, which was filed by the Retail, Wholesale and Department Store Union on behalf of workers and former workers producing aquatic equipment and small animal cages at the Elmwood Park, New Jersey plant of Metaframe Corporation. The investigation revealed that the plant produces primarily aquariums and aquarium accessories. It is concluded that all of the requirements have been met.

U.S. imports of aquariums and aquarium accessories increased both absolutely and relative to domestic production in 1978 compared to 1977.

Metaframe Corporation's imports of aquarium accessories increased in value in FYE 1/28/78 compared to FYE 1/29/77 and increased in value in FYE 2/3/79 compared to FYE 1/28/78.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with aquariums and aquarium accessories produced at the Elmwood Park, New Jersey plant of Metaframe Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Elmwood Park, New Jersey plant of Metaframe Corporation who became totally or partially separated from employment on or after April 3, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18842 Filed 6-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5134]

Metropolitan Greetings, Inc., Cambridge, Mass.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 3, 1979, which was filed on behalf of workers and former workers producing greeting cards, novelty kits, play books, wrapping paper and related products at Metropolitan Greetings, Incorporated, Cambridge, Massachusetts. The investigation revealed that the plant produces primarily greeting cards. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of greeting cards have been less than one percent of U.S. production in each year during the 1974 through 1978 period. U.S. imports increased absolutely and relative to domestic production from 1976 through 1978, but then decreased absolutely in the first quarter of 1979 versus the first quarter of 1978.

A Departmental survey of the major customers of Metropolitan Greetings, Incorporated revealed that the only customer which imported greeting cards did not decrease purchases from Metropolitan prior to the latter company's closure.

Conclusion

After careful review, I determine that all workers of Metropolitan Greetings, Incorporated, Cambridge, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18343 Filed 6-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5155]

Nappe-Smith Manufacturing, Farmingdale, N.J.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 3, 1979, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing insulated plastic bags at Nappe-Smith Manufacturing, Farmingdale, New Jersey. In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Nappe-Smith Manufacturing closed its Farmingdale, New Jersey, plant in August, 1978, and transferred all production of insulated plastic bags to another domestic plant.

Production of insulated plastic bags by the Nappe-Smith plant in Farmingdale, New Jersey, had increased each year, for the years 1975, 1976 and 1977, and, in the first half of 1978 compared to the like period in 1977.

Conclusion

After careful review, I determine that all workers of Nappe-Smith Manufacturing, Farmingdale, New Jersey, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18344 Filed 6-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5214]

New Jersey Machine Corp., Hoboken, N.J.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 10, 1979, in response to a worker petition received on April 9, 1979, which was filed by the International Association of Machinists and Aerospace Workers Union on behalf of workers and former workers producing automatic packaging machinery at New Jersey Machine Corporation in Hoboken, New Jersey. The investigation revealed that the plant produces labeling machinery. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Company sales and production of New Jersey Machine Corporation increased in 1977 as compared to 1976 and increased in 1978 as compared to 1977. Sales and production declined in the first quarter of 1979 as compared to the same quarter of 1978. A strike occurred at the company during the month of February 1979. The subsequent production levels were lower as the company resumed its production. In April 1979, sales exceeded the level of sales recorded for April of 1978.

No layoffs occurred in 1978 at New Jersey Machine Corporation, and employement remained stable in 1978 as compared to 1977. On February 16, 1979, a public announcement was made to transfer production to the New Jersey

Machine of New Hampshire, Incorporated, another division of New Jersey Machine, Incorporated. Layoffs began in March 1979 due to the company's transfer of production.

Conclusion

After careful review, I determine that all workers of New Jersey Machine Corporation, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18845 Filed 6-18-79; 8:45]

BILLING CODE 4510-28-M

[TA-W-5156

Norman S. Bailey Trucking Co., Iaeger, W. Va.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 2, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers of Norman S. Bailey Trucking Company, Iaeger, West Virginia, a transporter of coal.

Norman S. Bailey Trucking Company is engaged in providing the service of transporting coal by truck from a customer's mine to a coal cleaning plant.

Thus, workers of Norman S. Bailey Trucking Company do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they must be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Norman S. Bailey Trucking Company by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Norman S. Bailey Trucking Company and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All Workers engaged in transporting coal by truck at Norman S. Bailey Trucking Company are employed by that firm. All personnel actions and payrolls transactions are controlled by Norman S. Bailey Trucking Company. All employee benefits are provided and maintained by Norman S. Bailey Trucking Company. Workers are not, at any time, under employment or supervision by customers of Norman S. Bailey Trucking Company. Thus, Norman S. Bailey Trucking Company, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Norman S. Bailey Trucking Company, Iaeger, West Virginia, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of June 1979.

Harry Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18846 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5157, 5158]

Oak Ridge Coal Co., Oak Ridge No. 1 Mine, Levisay, W. Va., and K & M Mine No. 5, Quinwood, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 2, 1979, which was filed by the United Mine Workers of America, District 29 on behalf of workers and former workers mining metallurgical coal at Oak Ridge Coal Company, Incorporated's Oak Ridge No. 1 mine located in Levisay, West Virginia and K & M No. 5 mine located in Quinwood, West Virginia. It is concluded that all of the requirements have been met.

While U.S. imports of metallurgical coal have been negligible, U.S. imports of coke increased absolutely and relative to domestic production from 1977 to 1978.

Coke is metallurgical coal at a later stage of processing. Since a domestic article may be "directly competitive with" an imported article at a later stage of processing, imports of coke can be considered in determining import injury to workers producing metallurgical coal at Oak Ridge Coal Company, Incorporated, Rupert, West Virginia.

Oak Ridge Coal Company, Incorporated, under contract, supplies metallurgical coal to domestic coal companies. A Departmental survey of these coal companies revealed that they had reduced purchases of coal from Oak Ridge as a result of declines in their own sales of metallurgical coal.

The Department of Labor also conducted a survey of the major customers purchasing metallurgical coal from the coal companies. Several of these customers reduced purchases from the coal companies and increased purchases of imported coke from 1977 to 1978.

Conclusion.

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal mined at Oak Ridge Coal Company, Incorporated's Oak Ridge No. 1 mine located in Levisay, West Virginia and K & M mine No. 5 located in Quinwood, West Virginia, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Oak Ridge Coal Company, Incorporated's Oak Ridge No. 1 mine located in Levisay, West Virginia and K & M mine No. 5 located in Quinwood, West Virginia who became totally or partially separated from employment on or after March 27, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18847 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5261]

Ohio Brass Co., Inc., Oak Hill, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 16, 1979 which was filed by Local 175 of the International Brotherhood of Teamsters on behalf of workers and former workers producing electrical machinery for underground mining at the Ohio Brass Company, Incorporated, Oak Hill, West Virginia. The investigation revealed that the plant primarily produces underground mine rectifier systems. In the following determination, at least one of the criteria has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Electrical rectifying systems for underground mining equipment can not be considered to be like or directly competitive with coke as alleged on the petition. Imports of electrical rectifying systems must be considered in determining import injury to workers producing electrical rectifying systems at the Ohio Brass Company, Rectifier Division, Oak Hill, West Virginia.

Evidence developed during the course of the investigation indicated that United States imports of electrical mining systems for underground mines are insignificant. Imports measured in value in 1978 are estimated to be about one quarter of one percent of domestic production.

Conclusion

After careful review, I determine that all workers of the Ohio Brass Company, Incorporated, Oak Hill, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18343 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5201]

Paley Associates, Inc., Dorchester, Mass.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 10, 1979 in response to a worker petition received on April 6, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's outerwear, overcoats, topcoats, jackets (woolen) at Paley Associates, Dorchester, Massachusetts. The investigation revealed that the plant primarily produces men's woolen and leather outerwear. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' outercoats and jackets increased relative to domestic production in 1978 compared with 1977.

U.S. imports of leather coats and jackets—men's, boys', women's, misses', juniors', and children's increased in 1978 compared with 1977.

Customers who were surveyed indicated that they decreased purchases of men's woolen outerwear from Paley Associates, Incorporated and increased their reliance upon foreign sources.

Customers who were surveyed indicated that they decreased purchases of men's leather outerwear from Paley Associates and increased their reliance upon foreign sources for similar products.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's woolen and leather outerwear produced at Paley Associates, Incorporated, Dorchester, Massachusetts contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Paley Associates, Incorporated, Dorchester, Massachusetts who became totally or partially separated from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18343 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5185]

Pott of Coal, Inc., Willis Branch Strip Mine, Fayette County, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 6, 1979 in response to a worker petition received on March 30, 1979 which was filed by the United Mine Workers of America on behalf of workers formerly mining coal at Pott of Coal, Incorporated, the Willis Branch Strip Mine, Fayette County, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met.

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and the absolute decline in sales or production.

Pott of Coal produced metallurgical coal for one domestic coal company on a commission basis. A Departmental survey conducted with Pott of Coal's customer revealed that the majority of the coal was exported to the customer's parent company in France.

Conclusion

After careful review, I determine that all workers of Pott of Coal, Incorporated, the Willis Branch Strip Mine, Fayette County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-16850 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5297]

Rich Creek Mining Co., Inc., Rich Creek Hollow, W. Va., Logan, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 25, 1979 in response to a worker petition received on April 23, 1979 which was filed on behalf of workers and former workers mining coal at Rock Creek Mining Company, Davin, West Virginia. The investigation revealed that the name of the firm is Rich Creek Mining Company, Inc. and that Davin is only a mailing address. The mines are located in Rich Creek Hollow, West Virginia and the administrative office is located in Logan, West Virginia. The investigation was expanded to include the Rich Creek Hollow and Logan locations. It is concluded that all of the requirements have been met.

The petition was filed on behalf of workers mining metallurgical coal. In accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2 a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. Imports of coke and imports of metallurgical coal should be considered in determining import injury to workers mining metallurgical coal.

Although U.S. imports of metallurgical coal have been negligible, U.S. imports of coke increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

Rich Creek Mining Company operated as a contractor for a small number of coal companies in the 1977-78 period. Those coal companies do not import metallurgical coal or coke. However, a Department survey revealed that several major customers had reduced their purchases from these coal companies in 1978 compared to 1977 as a result of a decline in their own sales of metallurgical coal to U.S. steel producers. These customers accounted for the preponderance of the decline in the coal companies' sales from 1977 to 1978. Further investigation revealed that those steel producers who reduced purchases of metallurgical coal from the coal companies' customers had increased imports of coke in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the metallurgical coal mined at the Rich Creek Mining Company, Inc., Rich Creek Hollow, West Virginia and Logan, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Rich Creek Hollow, West Virginia and Logan, West Virginia facilities of Rich Creek Mining Company, Inc., who became totally or partially separated from employment on or after July 15, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 6th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-16851 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5324, 5325]

Roberts and Schaefer Co., Raleigh County, W. VA. and Wyoming County, W. VA.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 30, 1979, in response to worker petitions received on April 23, 1979, which were filed by the United Mine Workers on America on behalf of workers and former workers of Roberts and Schaefer Company, Raleigh County and Wyoming County, West Virginia, engaged in engineering and construction of preparation plants.

Roberts and Schaefer Company, Raleigh and Wyoming Counties, West Virginia is engaged in providing construction and engineering services to coal mining companies. Roberts and Schaefer Company is a subsidiary of Elgin National Industries, Incorporated, a watch and clock maker.

Thus, workers of Roberts and Schaefer Company, Raleigh and Wyoming Counties, West Virginia do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from the parent firm, a firm otherwise related to Roberts and Schaefer Company by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Robert and Schaefer Company and its customers have no controlling interest in one another. The parent firm does not produce coal.

All workers engaged in construction and engineering work for Roberts and Schaefer Company, Raleigh and Wyoming Counties, West Virginia are employed by that firm. All personnel

actions and payroll transactions are controlled by Roberts and Schaefer Company. All employee benefits are provided and maintained by Roberts and Schaefer Company. Workers are not, at any time, under employment or supervision by customers of Roberts and Schaefer Company. Thus, Roberts and Schaefer Company, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Roberts and Schaefer Company, Raleigh and Wyoming Counties, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18852 Filed 6-18-79 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5459]

Roberts and Schaefer Co., Raleigh County, W. Va.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 24, 1979, in response to a worker petition received on May 16, 1979, which was filed on behalf of workers and former workers of Roberts and Schaefer, Beckley, West Virginia, engaged in contract construction work of preparation plants. The investigation revealed that the legal title of the firm is Roberts and Schaefer Company, and that the petitioners are employed at a construction site in Raleigh County, West Virginia.

On April 22, 1979, a petition was filed on behalf of the same group of workers (TA-W-5324).

Since the identical group of workers is the subject of the ongoing investigation TA-W-5324, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 6th day of June 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-18853 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5135]

Round Mountain Coal Corp., Surface Mine No. 1, Algoma, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibiliity to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979 in response to a worker petition received on April 2, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining metallurgical coal at Round Mountain Coal Corporation, Surface Mine No. 1, Algoma, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Declines in coal shipments by Round Mountain Coal Corporation in 1978 occurred as a result of the United Mine Workers of America strike and the Norfolk and Western Railroad strike. Since June 1977 when Round Mountain began operations, company shipments of coal during non-strike periods (September through November 1978 and April 1979) increased compared to shipments during the same periods of the previous year.

Conclusion

After careful review, I determine that all workers of the Round Mountain Coal Corporation, Surface Mine No. 1, Algoma, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18854 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5327]

Seagoing Uniform Corp., Brooklyn, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 30, 1979 in response to a worker petition received on April 25, 1979 which was filed on behalf of workers and former workers sewing pants at the Seagoing Uniform Corporation, Brooklyn, New York. The investigation revealed that the plant produces primarily dungarees and work shirts for the military. The firm also produces jeans, skirts, shirts and jackets for non-military use, and an insignificant quantity of military dress uniforms. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to production of military dungarees and work shirts:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the main customers of the Seagoing Uniform Corporation are Naval, Coast Guard and Marine base exchanges. The base exchanges use the Price Agreement Bulletin (PAB) system to purchase dungarees and work shirts. Section 824 of the Defense Appropriations Act of 1979 (Pub. L. 95-457) and the regulations promulgated thereunder (32 CFR 6-304.1) state in part that clothing will be procured only if produced in the United States or its possessions. In accordance with Federal regulations, all companies listed on the PAB are domestic firms. No

foreign firms are eligible. Imports, therefore, would have no effect on declines in sales or production of dungarees and work shirts at Seagoing Uniform Corporation.

Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to production of non-military jeans, skirts, shirts and jackets:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Company sales of non-military jeans, skirts, shirts and jackets increased from 1977 to 1978 and continued to increase in the first four months of 1979 compared to the same 1978 period..

Conclusion

After careful review, I determine that all workers of the Seagoing Uniform Corporation, Brooklyn, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research

[FR Doc. 79-18855 Filed 6-18-79; 8:45]

BILLING CODE 4510-28-M

[TA-W-5184 and TA-W-5230]

The Sewell Coal Co., Nicholas County, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

An investigation (TA-W-5184) was initiated on April 6, 1979 in response to a worker petition received on April 3, 1979 which was filed on behalf of workers and former workers at the Sewell Division, Nettie, West Virginia. The investigation revealed that the petition applied specifically to workers at Mine No. 4 of the Sewell Coal Company, Nicholas County, West Virginia. Another investigation (TA-W-5230) was initiated on April 12, 1979 in response to a worker petition received on April 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers at Sewell Coal Company No. 4. The investigation revealed that this petition applied to all workers at the Sewell Coal Company, Nicholas County, West Virginia not working at Mine No. 4. This includes workers at Mines No. 1, 1A, 2, and Meadow River No. 1; workers at Tipples No. 1, 2, 4 and Meadow River; workers at the Central Shop; and, all other workers.

In the following determination, at least one of the criteria has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Sources indicated that the Pittson Coal Division, the parent firm of the Sewell Coal Company, distributes the metallurgical coal mined and processed at the Sewell Coal Company primarily to foreign users. Therefore, any imports of coal or coke would have a negligible effect on the sales and/or production and employment at the Sewell Coal Company.

Conclusion

After careful review, I determine that all workers of The Sewell Coal Company, Nicholas County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18863 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5245]

Sigler Mining, Inc., Jodie, W. Va.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 16, 1979 in response to a worker petition received on April 2, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers producing coal at Sigler Mining, Incorporated, Jodie, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Coke is metallurgical coal at a later stage of processing. Since a domestic article may be "directly competitive" with an imported article at a later stage of processing, imports of both coke and metallurgical coal can be considered in determining import injury to workers producing metallurgical coal at the Jodie, West Virginia mine of Sigler Mining, Incorporated.

Evidence developed during the course of the investigation revealed that Sigler Mining sells all of its coal to a larger coal company. The larger coal company does not purchase imported coal or coke. A Department survey revealed that none of the customers of the larger coal company purchased imported metallurgical coal and only one customer purchased imported coke. That customer represented an insignificant proportion of the larger coal company's sales in 1977 and 1978 and has not purchased coal from the larger coal company since April 1978, one year before layoffs at the Jodie, West Virginia mine of Sigler Mining took place.

Conclusion

After careful review, I determine that all workers of Sigler Mining, Incorporated, Jodie, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-18864 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4909]

Skyland Textile Co., Morganton, N.C.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the

Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on March 8, 1979 in response to a worker petition received on March 5, 1979 which was filed on behalf of workers and former workers producing children's clothing at the Morganton, North Carolina plant of Skyland Textile Company, a division of Skyland International Corporation, Chattanooga, Tennessee. The investigation revealed that children's knit and woven tops and bottoms were produced, consisting of boy's sport shirts, tank tops, shorts and sport trousers; girls' blouses, skirts, dresses and shorts. It is concluded that all of the requirements have been met.

Aggregate import statistics are not separately available for children's knit tops and bottoms.

U.S. imports of men's and boy's knit sport and dress shirts increased absolutely from 1976 to 1977 and from 1977 to 1978.

U.S. imports of men's and boy's dress and sport trousers and shorts increased absolutely from 1976 to 1977 and from 1977 to 1978.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely from 1976 to 1977 and from 1977 to 1978.

U.S. imports of women's, misses' and children's skirts increased absolutely from 1977 to 1978.

U.S. imports of women's, misses' and children's dresses increased absolutely in 1978 compared to 1977.

U.S. imports of women's, misses' and children's slacks and shorts increased absolutely and relative to domestic production from 1976 to 1977 and increased absolutely from 1977 to 1978.

Skyland International Corporation produces children's knit tops and bottoms for one manufacturer. This manufacturer experienced decreasing sales in 1978 versus 1977. The Department conducted a survey of that manufacturer's customers. Major customers reduced their purchases of children's knit tops and bottoms from the manufacturer and increased their purchases of imported children's tops and bottoms in 1978 compared to 1977.

The Morganton, North Carolina plant of Skyland Textile Company closed in February 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with children's knit tops and bottoms produced at the Morganton, North Carolina plant of Skyland Textile Company, a division of Skyland International Corporation, Chattanooga, Tennessee contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Morganton, North Carolina plant of Skyland Textile Company who became totally or partially separated from employment on or after February 28, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18865 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5215]

Southwell Combing Co., North Chelmsford, Mass.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 10, 1979 in response to a worker petition received on April 9, 1979 which was filed by the United Textile Workers of America on behalf of workers and former workers producing scouring and combing fibers (worsted) at the North Chelmsford, Massachusetts plant of Southwell Combing Company. The investigation revealed that the plant produces primarily wool tops. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of wool tops have been less than 2.0 percent of U.S. production in each of the years 1974 through 1977. Imports of wool tops decreased absolutely from 842 thousand pounds in 1977 to 470 thousand pounds in 1978.

Southwell Combing Company is a commission comber of wool fibers. In addition, it treats wool previously combed to inhibit shrinking, and also processes synthetic fiber. Synthetic fiber constitutes a small portion of sales and production. The department conducted a survey of customers of Southwell Combing Company. The survey revealed that most of these customers do not purchase imported wool tops, or wool treated for shrinking. None had decreased purchases from Southwell Combing Company and increased purchases of imports during the same time period.

Conclusion

After careful review, I determine that all workers of the Southwell Combing Company, North Chelmsford, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18860 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5278]

Stanhope Sewing Center, Inc., Netcong, N.J.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 23, 1979, in response to a worker petition received on April 11, 1979, which was filed on behalf of workers and former workers producing women's

blouses at Stanhope Sewing Center, Incorporated, Netcong, New Jersey. The investigation revealed that the firm also produced women's pants, skirts, vests, blazers, and suits in 1977 and 1978. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department surveyed the manufacturers for whom Stanhope performs contract work. None of these manufacturers indicated that they purchased any imported women's blouses or other sportswear in 1977, 1978 or the first quarter of 1979.

Conclusion

After careful review, I determine that all workers of Stanhope Sewing Center, Incorporated, Netcong, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-18867 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5242]

TRI-J Coal Co., Lynco, W. Va., Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 16, 1979 in response to a worker petition received on April 2, 1979 which was filed by the United Mine Workers Union on behalf of workers and former workers mining coal at the Jeffery Coal Company, Lynco, West Virginia. During the course of the investigation it was revealed that correct name of the company is the Tri-J Coal Company.

The Notice of Investigation was published in the Federal Register on April 18, 1979 (44 FR 24960). No Public hearing was requested and none was held.

The Tri-J Coal Company has mined coal since August, 1978. Due to the short term of operation of the Tri-J Coal Company there is not sufficient information in this case upon which to base a determination. In addition, worker qualifying requirements in Section 231 of the Act may not be met. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 11th day of June 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-18868 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5159]

Triple W. Trucking Co., Inc., Beaver, W. Va.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979, in response to a worker petition received on April 2, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers of Triple W. Trucking Company, Incorporated, Beaver, West Virginia, engaged in hauling coal and stone.

Triple W. Trucking Company, Incorporated is engaged in providing the service of transporting coal by truck from a customer's mine to a tipple and of transporting rock.

Thus, workers of Triple W. Trucking Company, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certifed only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Triple W. Trucking Company, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Triple W. Trucking Company, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting coal by truck at Triple W. Trucking Company, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Triple W. Trucking Company, Incorporated. All employee benefits are provided and maintained by Triple W. Trucking Company, Incorporated. Workers are not, at any time, under employment or supervision by customers of Triple W. Trucking Company, Incorporated. Thus, Triple W. Trucking, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Triple W. Trucking Company, Incorporated, Beaver, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-18869 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5136]

Valley Services, Inc., Valley Surface Mine No. 2, Bolt, W. Va.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 5, 1979 in response to a worker petition received on April 2, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining metallurgical coal at Valley Services, Incorporated, Valley Surface Mine No. 2, Bolt, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or

threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that Valley Services' customer has reduced purchases of coal from Valley Services because of the customer's own loss of export sales. Valley Services, an independent coal contractor, sells all its coal to a single customer. Sales declines by the customer are accounted for by decreases in export sales.

Conclusion

After careful review, I determine that all workers of Valley Services, Incorporated, Valley Surface Mine No. 2, Bolt, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18870 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5160]

Van Trucking, Inc., Shady Spring, W. Va.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was intiated on April 5, 1979, in response to a worker petition received on April 2, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers of Van Trucking, Incorporated, Shady Spring, West Virginia, engaged in transporting coal.

Van Trucking, Incorporated is engaged in providing the service of transporting coal by truck from a customer's mine to a tipple.

Thus, workers of Van Trucking, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Van Trucking, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Van Trucking, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting coal by truck at Van Trucking, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Van Trucking, Incorporated. All employee benefits are provided and maintained by Van Trucking, Incorporated. Workers are not, at any time, under employment or supervision by customers of Van Trucking, Incorporated. Thus, Van Trucking, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Van Trucking, Incorporated, Shady Spring. West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18871 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5111]

Weyenberg Shoe Manufacturing Co., North Spring Street Plant Beaver Dam, Wisc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 4, 1979 in response to a worker petition received on April 3, 1979 which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing men's shoes at the North Spring Street plant, Beaver Dam, Wisconsin of the Weyenberg Shoe Manufacturing Company. It is concluded that all of the requirements have been met.

U.S. imports of men's dress and casual footwear increased absolutely and relative to domestic production in 1977 compared to 1976 and increased relative to domestic production in 1978 compared to 1977. Imports as a percentage of domestic production exceeded 75 percent in 1976, 1977, and 1978.

Weyenberg owns and operates two men's footwear plants abroad in Ireland. Weyenberg increased imports of men's footwear in 1978 compared to 1977 and in the first quarter of 1979 compared to the first quarter of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's footwear produced at the North Spring Street plant, Beaver Dam, Wisconsin of the Weyenberg Shoe Manufacturing Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the North Spring Street plant, Beaver Dam, Wisconsin of the Weyenberg Shoe Manufacturing Company who became totally or partially separated from employment on or after March 29, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-18872 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5380]

White & Cole Coal Co., Inc., No. 10 Mine, Herndon, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification

of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 10, 1979 in response to a worker petition received on May 9, 1979 which was filed on behalf of workers and former workers mining coal at the White and Cole Coal Company, Incorporated, #10 Mine, Herndon, West Virginia. It is concluded that all of the requirements have been met.

U.S. imports of metallurgical coal are negligible. However, in accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. Therefore, imports of coke as well as imports of metallurgical coal should be considered in determining import injury to workers producing metallurgical coal.

U.S. imports of coke increased absolutely and relatively in 1977 compared to 1976 and 1978 compared to 1977.

The White and Cole Coal Company is a contact mining operation and must deliver all of its coal to the larger coal company with whom it contracts. This larger coal company reduced the amount of its orders from White and Cole as a result of declines in its own sales of metallurgical coal in 1978 compared to 1977. A Departmental survey established that one major customer sharply reduced its purchases of metallurgical coal from the larger coal company in 1978 compared to 1977 due to a decline in its own sales of metallurgical coal to two large U.S. steel producers. This customer accounted for the preponderance of the decline in sales in 1978 compared to 1977 by the larger coal company for whom White and Cole contracts. Further investigation revealed that these steel producers increased imports of coke in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increase of imports of articles like or directly competitive with metallurgical coal mined at the #10, Mine, Herndon, West Virginia of the White and Cole Coal Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the #10 Mine, Herndon, West Virginia, of the White and Cole Coal Company, Incorporated who became totally or partially separated from employment on or after January 4, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-18873 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5192]

Wright Trucking & Mining Co., No. 9 Auger Mine, Mercer County, W. Va.; Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 6, 1979 in response to a worker petition received on April 2, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining metallurgical coal at the Wright Trucking and Mining Company's No. 9 Auger Mine, Mercer County, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that customers for whom the subject firm does contract work do not purchase imported metallurgical coal or imported coke.

Conclusion

After careful review, I determine that all workers of the Wright Trucking and Mining Company's No. 9 Auger Mine, Mercer County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-18874 Filed 6-18-79; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL COMMISSION ON SOCIAL SECURITY

Hearings and Meetings

June 12, 1979.

The National Commission on Social Security will hold its first public hearings in Atlanta, Georgia on Friday, September 7 at the World Congress Center, 285 International Boulevard, N.W., beginning at 9:00 A.M.

Subsequent hearings are scheduled for 9:00 A.M.:

Friday, October 12 in Milwaukee, Wisconsin at the Performing Arts Center, 929 North Water Street

Friday, November 2 in Boston, Massachusetts at Faneuil Hall

Tuesday, November 27 in Austin, Texas at the East Campus Lecture Hall, LBJ School of Public Affairs at the corner of Manor & Red River on the University of Texas at Austin Campus and

Thursday, November 29 in Phoenix, Arizona at the Civic Plaza, 225 East Adams.

Additional hearings will be scheduled for early 1980.

Requests to testify must be submitted 30 days in advance of the hearing giving the

(a) name,

(b) business address,

(c) telephone number,

(d) capacity in which presentation will be made, i.e., public official, organization presentation, or private citizen,

(e) principal issues to be discussed and position on them, and

(f) copy of text.

Invitations to testify and time allotted will be determined by the number of requests received for each hearing. National organization representatives will not be allowed to make multiple presentations and are encouraged to use local representatives as witnesses. Where appropriate, witnesses may be grouped in panels. All witnesses are urged to give oral summaries of their written presentations in order to maximize the number of people heard and allow time for questioning of witnesses by Commissioners.

Organization representatives should bring fifty copies (50) of their written presentations to the hearings for distribution to the press.

An official transcript of each hearing will be made and persons unable to testify in person can submit written testimony which will be included in the official hearing record.

The press and public are invited to attend and there will be time scheduled at each hearing for local citizens to testify regarding their personal opinions of and experiences with the Social Security program.

Commision meetings will follow the first three hearings with meetings scheduled for Saturday, September 8 at the World Congress Center in Atlanta, Saturday, October 13 at the Marc Plaza Hotel, 509 West Wisconsin Avenue in Milwaukee and on Saturday, November 2 at the Copley Plaza Hotel, 138 St. James Street in Boston. The meetings will begin at 9:00 A.M. and while they will be open to the public the space available will accommodate approximately 40 members of the public at any time.

The Commission which was created by the 1977 Social Security Amendments is mandated to study and review the old-age, survivors, disability and health insurance programs authorized by Titles II and XVIII of the Social Security Act. The nine member commission, chaired by Milton Gwirtzman, will conclude its work in January 1981 with the submission of a report to the President and the Congress describing its findings and recommendations.

Requests to testify and inquiries about the hearings should be sent to: Melanie W. McClintock, Public Information Officer, National Commission on Social Security, 440 G Street, N.W., Room 126, Washington, D.C. 20218 (202) 376-2622.

Francis J. Crowley,

Executive Director.

[FR Doc. 79-19033 Filed 6-18-79; 8:45 am]

BILLING CODE 6820-AC-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Architecture, Planning and Design Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Architecture, Planning and Design Advisory Panel (Fellowships, Services to the Field, General Programs) will be held on Monday, July 9, 1979 from 9 a.m. to 5:30 p.m. and Tuesday, July 10, 1979 from 9 a.m. to 5:30 p.m. in room 1426, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 14, 1979.

[FR Doc. 79-19044 Filed 6-18-79; 8:45 am]

BILLING CODE 7537-01-M

Dance Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held July 16, 1979 from 9:00 am-6:00 pm; July 17, 1979 from 9:00 am-6:00 pm; July 18, 1979 from 9:00 am-6:30 pm in 14th Floor Conference Room, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on July 18, 1979 from 9:00 am-11:00 am. The topic of discussion will be the FY 81 Dance Program Guidelines.

The remaining sessions of this meeting on July 16, 1979 from 9:00 am-6:00 pm, July 17, 1979 from 9:00 am-6:30 pm, and July 18, 1979 from 11:00 am-6:00 pm, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 14, 1979.

[FR Doc. 79-19043 Filed 6-18-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-514, 50-515]

Portland General Electric Co., et al. (Pebble Springs Nuclear Plant, Units 1 and 2); Order Cancelling Conference

It has become necessary to temporarily postpone the conference of the Parties in this proceeding scheduled for Wednesday, June 20, 1979, at 9:00 a.m., local time at the following location:

Courtroom No. 2 (Third Floor), The Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oregon 97204.

The conference will be rescheduled at a later date.

It is so ordered.

For the Atomic Safety and Licensing Board.

James R. Yore,

Chairman.

Dated at Bethesda, Maryland this 14th day of June 1979.

[FR Doc. 79-19083 Filed 6-18-79; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21088 70-6313]

Alabama Power Co.; Proposal by Electric Utility Subsidiary to Sell a Substation

June 7, 1979.

Notice is hereby given that Alabama Power Company ("Alabama"), P.O. Box 2641, Birmingham, Alabama 35291, an electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to sell one of its substations to Alabama River Pulp Company, Inc. ("ARP"), such substation being located on ARP's property in

Monroe County, Alabama, pursuant to ARP's request. It is proposed that such substation would be conveyed by Alabama to ARP for a sale price of $390,000. Alabama's book value of such substation is $384,912.24. Alabama will obtain from its first mortgage bond Trustee a release of such substation from the lien of Alabama's first mortgage indenture.

Alabama and ARP have heretofore entered into an electric service contract pursuant to which power is delivered by Alabama to ARP and ARP proposes to utilize the substation in connection with the receipt of power from Alabama. It is anticipated that there will be no substantial change in the proposed use of the transmission substation and, since it was constructed at ARP's request and is to be used for ARP's benefit and ARP has now determined that it would prefer to own the substation, Alabama considers it appropriate and in the interest of the public and Alabama's investors for ARP to purchase and own the substation.

The fees, commissions and expenses to be incurred by Alabama in connection with the proposed transaction are estimated at $3,500, including legal fees of $1,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 2, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19057 Filed 6-18-79; 8:45 am]

BILLING CODE 8010-11-M

[Rel. No. 21081; 70-5213]

American Electric Power Co., Inc., et al.; Proposed Exemption From Competitive Bidding in Connection With Sale or Disposition of Gas Properties

June 5, 1979.

American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and two of its subsidiaries, Michigan Power Company ("MPC"), a gas and electric utility company, and Michigan Natural Gas Company ("MNG"), 100 South Main, Three Rivers, Michigan 49093, a presently inactive company, have filed with this Commission a post-effective amendment to their Plan previously filed and amended pursuant to section 11(e) and other applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and rules promulgated thereunder concerning the following proposed transaction. All interested persons are referred to the amended Plan, which is summarized below, for a complete statement of the proposed transaction.

By order dated July 24, 1967 (HCAR No. 15800), AEP was authorized to acquire MPC (then known as Michigan Gas and Electric Company), a previously nonaffiliated company owning and operating a combination gas and electric utility business. Such acquisition was conditioned on AEP's divestitute of the gas utility properties of MPC, and the order of July 24, 1967, authorized their sale to Michigan Gas Utilities Company ("MGU"), a nonaffiliated gas utility company, the Commission reserving jurisdiction over such final disposition. To facilitate the divestitutre, AEP was authorized by order dated October 25, 1968 (HCAR No. 16196), to create MNG (then called MacLane Gas Company). MNG was to acquire MPC's gas properties and to issue and sell its securities to AEP, which was to sell such securities to MGU. By letter dated August 21, 1969, however, AEP advised the Commission that its agreement with MGU had been terminated due to MGU's inability to obtain the necessary financing.

About three years after termination of the agreement with MGU, AEP, MPC and MNG filed a Plan under Section 11(e) of the Act outling a program for ultimate divestitute of the gas properties. Part I of the Plan involved the redemption of MPC's preferred stock, which redemption was authorized by Memorandum Opinion and Order dated June 1, 1978 (HCAR No. 20569). Part II of the Plan involved term financing for MPC, which financing was authorized by order dated December 30, 1976 (HCAR No. 19828). The remainder of the Plan, none of which has been authorized, and further details of which will be supplied by future amendment, involves AEP's sale or dispostion of all of MNG's common stock for a consideration of cash or cash and debt securities or installment obligations of the purchaser, and the severance of all corporate and other ties of MNG with AEP and MPC in steps including (i) completion of the organization of MNG, (ii) sale and transfer of the gas utility properties of MPC to MNG free from the lien of MPC's mortgage, and (iii) establishment by MNG of the rates and tariffs by which it, as the successor operator of the gas distribution and other facilities, will render retail gas service.

In the instant post-effective amendment, AEP requests an exemption from the competitive bidding requirements of Rule 50 with respect to its proposed sale of the common stock of MNG pursuant to Rule 50(a)(5). AEP had previously been granted such an exemption for 90-day periods by orders dated June 13, 1973, and October 10, 1973 (HCAR Nos. 18007 and 18119), but no purchaser was found and no request to revew the exemption was filed until now. It is stated that AEP has contacted eleven utility systems which it believes might have an interest in acquiring some or all of the gas utility properties, and that it has received requests for additional information from several of the utilities it contacted. AEP believes it would be desirable to initiate further discussions with, and if warranted to negotiate with, such prospective purchasers concerning the terms on which AEP would be willing to sell and such prospective purchasers would be willing to buy the common stock of MNG.

The fees and expenses to be incurred in connection with the request for exemption from competitive bidding will be supplied by amendment. It is stated that no state commission and no federal commission, other than this

Commission, has jurisdiction over the requested exemption.

Notice is further given that any interested person may, not later than June 29, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said Plan, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the Plan, insofar as it requests exception from competitive bidding, may be approved as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19058 Filed 6-18-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21090; 70-6321]

Louisiana Power & Light Co.; Proposed Issuance and Sale of Preferred Stock at Competitive Bidding

June 7, 1979.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, an electric utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana proposes to issue and sell, subject to the competitive bidding requirements of the Act, not in excess of 2,400,000 shares of a newly-created class of preferred stock, cumulative, $25 par value. Louisiana's proposal to amend its charter to provide for such $25 preferred stock is pending before the Commission (File No. 70-6316). The $25 preferred stock is to be established by appropriate corporate action and, except as to the number of shares and designation, dividend rate, the date from which dividends commence to accumulate, the amounts payable upon redemption, the terms and amount of a possible sinking fund and matters relating to par value and certain voting rights (including matters relating to quorums and adjournments), will have the same rank and the same relative rights as the presently outstanding preferred stock of the company.

The dividend rate of the $25 preferred stock (which will be a multiple of ½₀ths of 1%) and the price to be paid to the company for the stock (which will be not less than $25 nor more than $25.70 per share, plus accumulated dividends, if any) will be determined by competitive bidding. The terms of such stock will include a prohibition until July 1, 1984, against refunding the stock, directly or indirectly, with funds derived from the issuance of securities at a lower effective interest or dividend cost. Louisiana presently expects that the terms of the stock will not include a sinking fund. In the event, however, that market conditions require, in the opinion of the company, that the terms of the stock include a sinking fund, the company may amend the declaration to provide therefor.

The declaration states that in the event that market conditions change so that, in the opinion of the company, the market for $100 par value preferred stock is more favorable that that for $25 preferred stock, Louisiana may amend the declaration to propose the issuance and sale of not in excess of 600,000 shares of its $100 par value preferred stock in lieu thereof.

Louisiana will apply the net proceeds derived from the issue and sale of the $25 preferred stock to the payment in part of short-term borrowings estimated to total $120,000,000 at the time the sale proceeds are received, to the financing in part of the company's construction program, and to other corporate purposes.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $160,000, including legal fees of $47,000 and auditors' fees of $15,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 3, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19059 Filed 6-18-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21094; 70-6244]

Lowell Gas Co. and Cape Cod Gas Co.; Supplemental Notice of Proposed Issuance and Sale of First Mortgage Bonds to Institutional Investors Pursuant to a Private Offering

June 11, 1979.

Notice is hereby given that Lowell Gas Company ("Lowell"), 95 East Merrimack Street, Lowell, Massachusetts 01853, and Cape Cod Gas Company ("Cape Cod"), P.O. Box 1360, Hyannis, Massachusetts 02601, public utility subsidiaries of Colonial Gas Energy System ("Colonial"), a registered holding company, have filed with this

Commission an amendment to the joint-declaration in this proceeding pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50(a)(5) promulgated thereunder regarding the private placement of first mortgage bonds. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

On October 7, 1977, Colonial filed an application for exemption under Section 3(a)(1) of the Act (File No. 31–763). Its application for exemption is pending. Pursuant to a Stipulation in that proceeding dated January 26, 1978, entered into by Colonial and the Division of Corporate Regulation pending the development of a plan of financial simplification or recapitalization by Colonial appropriate to the requirements for exemption under Section 3(a)(1), Colonial has registered as a public utility holding company under Section 5(a) for the limited purpose of complying with the provisions of Sections 6, 7 and 12(b) of the Act.

Lowell and Cape Cod filed in this proceeding a joint-declaration and an amendment thereto seeking authorization to issue and sell common stock to Colonial for a maximum aggregate purchase price of $1,000,400 and $899,755, respectively, and to privately place up to $1,250,000 of Lowell's first mortgage bonds and up to $1,250,000 of Cape Cod's first mortgage bonds. The proposed transactions were duly noticed on March 9, 1979 (HCAR No. 20951). By order dated April 4, 1979 (HCAR No. 20992), the Commission authorized the proposed issuance and sale of the subsidiary common stock and granted the companies an exception under Rule 50(a)(5) from competitive bidding in connection with the sale of the bonds. Jurisdiction was reserved over the terms of the bonds and with respect to any fees, expenses or commissions to be paid or incurred in connection with the issuance and sale of the bonds. Pursuant to the April 4, 1979 order, Lowell issued and sold 44,300 shares of its common stock to Colonial for an aggregate purchase price of $908,150, and Cape Cod issued and sold 54,000 shares of its common stock to Colonial for an aggregate purchase price of $719,820.

The companies have now filed an amendment to the joint-declaration seeking authorization to sell up to $2,000,000 of Lowell's 11⅝% First Mortgage Bonds ("Lowell Bonds") and up to $1,000,000 of Cape Cod's 11⅝% First Mortgage Bonds ("Cape Cod Bonds"). The Lowell Bonds and Cape Cod Bonds (collectively, the "Bonds") are to be sold to John Hancock Mutual Life Insurance Company.

The companies' capital structure as of March 31, 1979, and pro forma is shown in the following table.

[In millions of dollars]

	Lowell				Cape Cod			
	Unaudited		Pro forma		Unaudited		Pro forma	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Long-term debt	$23,127	46.86	$25,127	50.88	$12,814	44.86	$13,814	48.32
Notes payable banks	5,900	11.96	3,040	6.16	4,865	17.03	3,185	11.14
Total debt	29,027	58.82	28,167	57.04	17,679	61.89	16,999	59.46
Preferred stock	4,409	8.93	4,409	8.93	1,540	5.39	1,540	5.39
Common equity	15,914	32.25	16,813	34.03	9,348	32.72	10,048	35.15
Total capitalization	49,350	100.00	49,389	100.00	28,567	100.00	28,587	100.00

A statement of bond and total fixed charges coverages, as of March 31, 1979, is reflected below, based on the reported income for the twelve months ended that day.

[In millions of dollars]

	Lowell Gas Company		Cape Cod Gas Company	
	(Unaudited)	Pro forma	(Unaudited)	Pro forma
Income before taxes	$5,965	$5,965	$2,221	$2,221
Bond interest	1,744	2,371	939	1,252
Bond interest coverage	3.42x	2.52x	2.36x	1.77x
Income after taxes	5,297	5,017	2,397	2,257
Total interest	3,481	2,981	1,966	1,700
Preferred dividends	295		86	
Total fixed charges	3,776	2,981	2,072	1,700
Coverages for total fixed charges and preferred stock dividend requirements	1.40x	1.68x	1.16x	1.32x

Under their respective indentures, Lowell and Cape Cod may issue first mortgage bonds only if pro forma net income before bond interest and income taxes is at least two times mortgage bond interest charges for a period of twelve consecutive calendar months preceding the issuance. The holders of the outstanding bonds are institutional investors and it is expected that the required percentage of holders of Cape Cod's outstanding first mortgage bonds will waive the latter requirement in order to permit the issuance and sale of the Cape Cod Bonds.

The bonds will be issued under each company's indenture of mortgage and deed of trust, as amended and supplemented, and will be of equal rank with the outstanding bonds. The bonds will have an average life of 10.54 years and will not be redeemable for five years nor refundable for an additional five years in anticipation of borrowings having a lower effective interest cost or a shorter weighted average life than that remaining on the bonds.

The Lowell Bonds and Cape Cod Bonds will mature June 15, 1995 and June 1997, respectively, and will be subject to sinking funds, under which Lowell and Cape Cod will retire $1,760,000 and $880,000 of bonds, respectively. Sinking fund requirements begin in the third year and retirements thereunder increase at designated intervals. Dividends may be paid out of net earnings arising after December 31, 1978, available for capital stock dividends plus $800,000 in the case of Lowell. As of November 30, 1978, substantially all of the retained earnings of Lowell and Cape Cod are restricted from payment of dividends under their bank credit agreements and certain supplemental indentures.

The fees and expenses incurred or to be incurred in connection with the proposed transactions will be filed by amendment. The Massachusetts

Department of Public Utilities has jurisdiction over the proposed issue and sale of bonds. No other state or federal commission, except this Commission, has jurisdiction over such transaction.

Notice is further given that any interested person may, not later than June 28, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated addresses, and proof of service (by affidavit or in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, for the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19060 Filed 6-18-79; 8:45]

BILLING CODE 8010-01-M

[Release No. 10723; 812-4456]

Narragansett Capital Corp. and Bevis Industries, Inc.; Filing of Application for Order Pursuant to Section 17(b) of the Act Exempting Proposed Transaction From Section 17(a) of the Act, and Pursuant to Section 17(d) of the Act and Rule 17d-1 Thereunder Permitting Proposed Transaction

June 8, 1979

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), registered under the Investment Company Act of 1940 (the "Act") as a non-diversified, closed, end, management investment company and licensed as a small business investment company under the Small Business Investment Act of 1958, and Bevis Industries, Inc. ("Bevis"), a corporation presumed to be controlled by Narragansett (hereinafter Narragansett and Bevis are collectively referred to as "Applicants"), 40 Westminster Street, Providence, Rhode Island 02903, filed an application on March 27, 1979, and an amendment thereto on June 1, 1979, for an order pursuant to Section 17(b) of the Act, exempting from the provisions of Section 17(a) of the Act, and pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, permitting, certain proposed transactions to be made in connection with the acquisition by MDP Holding Corporation ("MDP"), a wholly-owned subsidiary of Bevis, of all of the issued and outstanding stock of MD Pneumatics, Inc. ("Pneumatics"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Narragansett owns approximately 35.5%of the outstanding shares of Bevis, and that, as a group, the officers and directors of Narragansett own less than 1% of the outstanding shares of Bevis. According to the application, Bevis, which had engaged, *inter alia*, in the business of manufactureing and selling Christmas cards, (i) filed a voluntary petition in United States District Court for the Southern District of New York ("Court") for an arrangement under Chapter XI of the Federal Bankruptcy Act on April 15, 1974, and (ii) in connection therewith, filed a debtors arrangement which, as amended, was confirmed by order of the Court on April 23, 1975. Applicants state that in 1976, Bevis embarked on a program (i) to reduce its expenses by disposing of most of its properties and curtailing its then existing business and (ii) to acquire existing profitable businesses. According to the application, the first acquisition in this program was the acquisition of Greenville Tube Corporation ("Greenville") by a wholly-owned subsidiary of Bevis. Applicants assert that Greenville is the only operating compnay presently owned by Bevis, and that the proposed acquisition of Pneumatics, a compnay which has been consistently profitable over the past five years, should complement the Greenville acquisition.

Applicants state that Pneumatics is engaged in the business of manufacturing and selling blowers and air pumps for industrial uses. They further, state that Pneumatics was organized under the laws of the State of Missouri in 1972 to acquire the assets and business of MGD Pneumatics, Inc., a subsidiary of North American Rockwell Corporation, and that at the time of such acquistion (i) Narragansett acquired fifty percent of the common stock of Pneumatics for an aggregate purchase price of $200,000 and made a subordinated loan to Pneumatics in the amount of $1,500,000 and (ii) ten employees of MGD Pneumatics, Inc. (the "Management Stockholders"), including Earl L. Fester ("Fester"), currently president of Pneumatics, purchased the remaining fifty percent of the common stock of Pneumatics. According to the application, the subordinated loan to Pneumatics has been fully repaid. Applicants represent that during 1978 Narragansett exchanged its voting common stock in Pneumatics for the same number of shares of newly authorized Class B non-voting common stock.

MDP proposes to purchase all of the outstanding shares of Pneumatics, pursuant to a stock purchase agreement ("Stock Purchase Agreement") among MDP, Bevis, Narragansett and the Management Stockholders, for $5,500,000 (subject to adjustment as described below): $600,000 payable in cash within 10 days of closing, and the balance to be represented by subordinated installment notes ("Notes") bearing interest at the rate of 6 percent per annum and payable in principal installments (subject to adjustment) of $550,000 on April 1 of 1980, 1981, 1982, and 1983, and $2,700,000 on September 30, 1984. According to the application, the cash payment of $600,000 will, in part, be financed by a term loan ("Term Loan") from Industrial National Bank of Rhode Island ("INbank"). The loan agreement ("INbank Loan Agreement") provides that Bevis shall loan to MDP not less than $200,000 of the proceeds from the sale, described below, of its common stock to Pneumatics' stockholders and employees, and that MDP shall apply such funds to the partial payment of the Term Loan.

Applicants state that the Notes will be subordinate to any indebtedness of MDP which is incurred in compliance with the provisions of the Stock Purchase Agreement (other than indebtedness to Narragansett, none of which is outstanding or contemplated), and that no payments of principal or of interest would be payable on the Notes if MDP is in default with respect to any such indetedness. Applicants further state that individual installments of principal (excluding the September 30, 1984, installment) will be deferred to the extent that the Adjusted Net Income (as defined in the Stock Purchase Agreement) of Pneumatics for the fiscal year ending immediately prior to the

April installment in question is less than $550,000, and that any such deferred installments shall be payable on the following April 1, to the extent that the Adjusted Net Income of Pneumatics for the last fiscal year ending prior to such following April 1 exceeds the installment of principal due on such following April 1. According to the application, payments of principal will be allocated to the earliest unpaid deferred installments, and all unpaid deferred installments shall become payable on September 30, 1984.

Applicants state that the principal amounts due under the Notes are subject to reduction with respect to the September 30, 1984, installment of principal in the event Pneumatics' "warranted pre-tax income" less any "warranted pre-tax loss" (as those terms are defined in the Stock Purchase Agreement) for the period commencing on the closing date and ending on the fifth anniversary of such date does not exceed $7,000,000. Applicants further state that the reduction, if any, will equal the total of (i) the excess of $7,000,000 over the actual amount of warranted pre-tax income, after deducting any warranted pre-tax loss, and (ii) any excess interest paid or accrued on the Notes in light of the reduced purchase price, except that in no event will the reduction exceed $2,700,000. According to the application, under a Guarantee and Pledge Agreement, payment of the Notes will be guaranteed by Bevis and will be secured by a pledge by Bevis of all of the outstanding stock of MDP, which stock shall be the sole recourse against Bevis.

Applicants state that the Stock Purchase Agreement contains certain other convenants and restrictions respecting the conduct of the business of Pneumatics until the payment in full or other satisfaction of the Notes, including: (i) that MDP and Bevis not sell, transfer or encumber the shares of common stock of Pneumatics, or shares of capital stock of MDP, except as specifically provided by the Stock Purchase Agreement; (ii) that MDP furnish to Fester, on a regular basis, certain financial information regarding MDP and Bevis; (iii) restrictions on MDP and Pneumatics incurring indebtedness or creating liens; (iv) that MDP and Pneumatics not consolidate or merge, or dispose of any substantial portion of their properties or assets; and (v) that Pneumatics continue to maintain its incentive compensation and profit sharing plans, and maintain a $1,000,000 life insurance policy on the life of Fester. According to the application, these convenants and restrictions can be waived by the content of the holders of 80% of the total original principal amount of the Notes. The Applicants further state that, under the provisions of the Stock Purchase Agreement, Management Stockholders are given a right of first refusal exercisable in case of the sale by Bevis or MDP of the capital stock of MDP or Pneumatics, respectively, or in case of the sale of all or substantially all of Pneumatics' assets. The Stock Purchase Agreement also provides that Fester and Charles V. Malone (also a Management Stockholder) shall be two of the four directors of MDP and Pneumatics until the satisfaction of MDP's obligations under the Notes, provided there is no default on the Notes or on any indebtedness not subordinate to the Notes.

The application also describes certain other agreements respecting and relating to the proposed acquisition of Pneumatics shares by MDP: (i) an employment agreement with Fester, expiring December 31, 1983, under which Fester will be given full independent authority to manage Pneumatics, subject only to the direction of the board of directors of Pneumatics; (ii) an agreement by the Management Stockholders and certain other Pneumatics employees to purchase a total of 140,000 shares of Bevis common stock at a price of $2.00 per share, which price, Applicants asserts, reflects fairly the value of the Bevis stock to be issued in light of the restrictions on transfer and the amount of such stock being sold; (iii) an amendment to an existing agreement among the principal shareholders of Bevis which provides for the representation on the Bevis board of directors of the various principal shareholders of Bevis, and extends until January 2, 1984, certain restrictions on the transfer of Bevis stock imposed by the existing Bevis stockholders' agreement; (iv) the INbank Loan Agreement, referred to above, which also provides for certain modifications to an existing loan agreement between INbank and Pneumatics to permit the acquisition of Pneumatics by MDP, and which makes Narragansett, the Management Stockholders and Bevis parties to the INbank Loan Agreement for various purposes; and (6) the Guarantee and Pledge Agreement referred to above.

Section 2(a)(3) of the Act includes within the definition of "affiliated person" of another person: (1) any person controlled by such other person; (2) any person five percent or more of whose outstanding voting securities are owned by such other person and (3) any employee, officer or director of such other person. Section 2(a)(9) of the Act provides, in part, that any person owning, directly or indirectly, more than 25 per centum of the voting securities of a company shall be presumed to control such company. Accordingly, it appears, *inter alia* that Bevis and MDP are affiliated persons of, and presumed to be controlled by, Narragansett.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such person, acting as principal: (1) knowingly to sell any security or other property to such registered company or to any company controlled by such registered company, unless such sale involves solely securities of which the buyer is the issuer, or (2) knowingly to purchase from such registered company or from any company controlled by such registered company, any security or other property, except securities of which the seller is the issuer. Section 17(b) of the Act generally provides that, upon application, the Commission shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Thus, Narragansett requests an order pursuant to Section 17(b) of the Act, exempting from the provisions of Section 17(a) of the Act, (i) the sale by MDP of the Notes to Narragansett and (ii) the purchase by MDP from Narragansett of shares of Class B non-voting common stock of Pneumatics.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (i) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (ii) the extent to which such participation is on a basis different from or less

advantageous than that of other participants. Applicants state that the proposed transactions described in the application are interrelated, involve affiliated persons of Narragansett or affiliated persons of such persons, and may be deemed to be part of a joint enterprise or other joint arrangement. Thus, Applicants request an order of the Commission, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, permitting all such proposed transactions.

Applicants assert that the terms of the proposed transactions are the result of throughly arm's-length negotiations among the parties, each of whom was represented by independent counsel, and that, based upon ordinary standards of valuation, the price and terms of the purchase of Pneumatics stock are fair and reasonable to all parties. Applicants state that discounting the $4,900,000 in face amount of the Notes at 10% to a present-day cash value of approximately $3,420,000 and adding to this amount the $600,000 cash down payment, represents a price of approximately 11.93 times the average after-tax earnings of Pneumatics over its fiscal years ended March 31, 1977 and 1978, and a lower multiple of its anticipated after-tax earnings for the current fiscal year. Applicants submit that, although the 11.93 multiple represents a higher multiple of earnings than Pneumatics' stockholders (including Narragansett) could expect to receive from most other potential purchasers, MDP can pay this amount because Bevis expects a carryover of net operating losses which should be available to MDP through 1981. Thus, Applicants note that part of the income generated by Pneumatics, which will be utilized to pay off the Notes, will not be subject to federal income tax. Applicants further submit that, if the net operating losses should prove not to be available, the selling stockholders are adequately secured by the pledge of MDP stock. Applicants state that the exposure of Bevis is essentially limited to its down payment plus any other principal payments previously made, and note that the inability of Pneumatics to generate the projected earnings should result in a reduction of the purchase price. Applicants further state that the sales and earnings of Pneumatics have been increasing over the past five years, and that they believe the Management Stockholders are confident that the warranted earnings can be realized. They also state that, because the selling stockholders view the transaction as capital gains oriented, the parties are justified in setting the interest rate on the Notes at the minimum rate which would avoid imputed interest for federal income tax purposes.

Applicants submit that the proposed transaction does not involve overreaching by any person, and that all Bevis shareholders are treated equally and given an equal chance to receive a fair return on their investment in Bevis. Applicants further submit that all shareholders of Narragansett are treated equally, with an equal chance to recoup on one of the major investments of Narragansett. They assert that the proposed transaction is consistent with Narragansett's investment policy, and state that the proposed transaction is substantially beneficial to the public shareholders of Narragansett and Bevis, as well as to the Management Stockholders and, therefore, is consistent with the intent and purposes of the Act.

Applicants state that all participants will participate in the proposed transaction on the same basis, except that (i) Fester will enter into an employment agreement and (ii) Management Stockholders and certain other Pneumatics employees will be purchasing Bevis common stock. Applicants assert that the success of Pneumatics is largely attributable to the management talents of Fester, and that the employment agreement is a necessary inducement to him, as a major stockholder of Pneumatics, to agree to the proposed transaction and to continue his relationship with Pneumatics until the Notes are fully paid. Applicants further state that the proposed equity investment in Bevis by Pneumatics' employees is designed to assure that such employees continue to have an equity interest in the success of Pneumatics and to provide funds to Bevis. Narragansett states that it will not buy additional Bevis common stock because the regulations of the Small Business Administration ("SBA") prohibit any additional investment by Narragansett in Bevis without the approval of the SBA. Applicants state that Narragansett's past dealings with the SBA indicate that the SBA would not consent to any additional investment in Bevis.

Notice is further given that any interested person may, not later than June 29, 1979, at 10:00 a.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19062 Filed 6-18-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 15909; SR-NASD-78-17]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

June 11, 1979.

On November 15, 1978, the National Association of Securities Dealers, Inc. ("NASD"), 1735 "K" Street, NW., Washington, D.C. 2006, filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change to amend the portion of Appendix C to Article III, Section 32 of its Rules of Fair Practice that requires NASD members to review annually their fidelity bonding coverage. The proposed rule change revises the formula used by members entering their second year of business in determining the adequacy of their fidelity bonding coverage. Under the proposed rule change, members entering into their second year of business generally would be required to carry a lower amount of coverage than they are currently required to carry. The

proposed rule change also allots more time to all members to make any required adjustment in their bonding coverage. The NASD states that the purposes of the proposed rule change are to: (a) establish comparable bonding requirements for members in their second year of business and for members simiarly situated in subsequent years of business and (b) afford all members a better opportunity to obtain bonding coverage at competitive and reasonable rates.

Notice of the proposed rule change, together with the terms of substance of proposed rule change, was given by publication of a Commission Release (Securities Exchange Act Release No. 34–15396, December 13, 1978) and by publication in the Federal Register (43 FR 60682, December 28, 1978). No comments were received by the Commission with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association, and in particular, the requirements of Section 15A, and the rules and regulations thereunder. Among other things, that Section permits a registered securities association to deny membership to or condition the membership of a registered broker or dealer if it does not meet such standards of financial responsibility as are prescribed by the rules of the associaiton. The Commission believes that the proposed rule change may facilitate the attainment of that objective in a manner which is not designed to permit unfair discrimination among brokers and dealers. In addition, the Commission believes that the effect of the proposed rule change may be to reduce unnecessary burdens on competition by facilitating the ability of smaller broker-dealers to obtain adequate bonding insurance at a reasonable price.

It is therefore ordered, pursuant to Section 19)b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–19063 Filed 6–18–79; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 21092 70–6317]

New England Power Co. and New England Electric System; Proposed Capital Contribution by Holding Company to Subsidiary

June 7, 1979.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its electric utility subsidiary company, New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Massachusetts 05181, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10 and 12 of the Act and Rules 42(a) and 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to make a capital contribution to NEPCO of $20,000,000. NEPCO will use such contribution to repay a like amount of its short-term promisory notes issued to pay for capital expenditures or to reimburse its Treasury therefor. As of March 31, 1979, NEPCO has no short-term indebtedness outstanding; however, it is anticipated that such indebtedness will aggregate $37,000,000 at the time of the proposed capital contribution.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,500, including $500 of incidental services to be performed at cost, by New England Power Service Compnay, an affiliate of NEES. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 28, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such requst should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any portponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 79–19064 Filed 6–18–79; 8.45 am]

BILLING CODE 8010–01–M

[Release No. 15897 SR-OCC-78-6]

Options Clearing Corporation ("OCC"); Order Approving Proposed Rule Change

June 5, 1979.

On August 21, 1978, OCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change modifying its procedures for liquidating open short positions and unsegregated long positions in the accounts of suspended clearing members. The purpose of the proposed rule is to simplify and clarify OCC's procedures for liquidating open positions.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–15085, August 24, 1978) and by publication in the Federal Register (43 FR 38753, August 30, 1978). No written comments were received by the Commission, and there were no written communications with OCC regarding this proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies, and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the

proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 5, 1979.

[FR Doc. 79-19061 Filed 6-18-79; 8:45 am]
BILLING CODE 8010-01

[Release No. 10725; 811-1118]

South Coast Capital Co. (Formerly Space Ventures, Inc.)

Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

June 11, 1979.

Notice is hereby given that South Coast Capital Company (formerly Space Ventures, Inc.) ("Applicant"), c/o Keith Lister, 861 Sixth Avenue, San Diego, California 92101, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, and a licensee under the Small Business Investment Act of 1958, filed an application on May 14, 1979, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Nevada corporation, registered under the Act on November 2, 1961. According to the application Applicant has not made a public offering of its securities. Subsequent to registering under the Act, Applicant changed its name to South Coast Company. In 1967, after having distributed its assets pro-rata to five shareholders Applicant was formerly dissolved pursuant to applicable state laws. Applicant currently has no assets, debts or liabilities and is not a party to any pending litigation or administrative proceeding.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 5, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20459. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19065 Filed 6-18-79; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0188]

Mercantile Texas Capital Corp.; Filing of Application for Approval of a Conflict of Interest Transaction Between Associates

Notice is hereby given, pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004(1979)), by the Small Business Administration (SBA) of a conflict of interest transaction between Mercantile Texas Capital Corporation (MTCC), 1704 Main Street, Dallas, Texas 75201, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. et seq.), and an Associate.

MTCC was licensed by SBA on December 8, 1976. It is wholly-owned by Mercantile National Bank at Dallas. This bank is owned by Mercantile Texas Corporation, a federal bank holding company (Dallas, Texas), whose stock is traded on the New York Stock Exchange.

It is proposed that MTCC provide financial assistance to K O Steel Castings, Inc., 2915 Zarzamora, San Antonio, Texas 78211, for the purpose of expansion and construction of new production facilities. Mr. Reagan Houston, III, is a director of this company. He is also a director of Mercantile Texas Corporation. As such, Mr. Houston is deemed to be an Associate of MTCC as defined by § 107.3(c) of the SBA rules and regulations. In view of this, K O Steel Castings, Inc., is also deemed to be as Associate concern as defined by § 107.3(f) of the Regulations.

The proposed financing falls within the purview of § 107.1004(b)(1) of the regulations and requires a written exemption from SBA. SBA is considering a request for such exemption.

Notice is further given that any person may, not later than July 19, 1979, submit to SBA in writing, comments on the proposed transaction. Any such communication should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the notice shall be published in a newspaper of general circulation in San Antonio and Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

Dated: June 12, 1979.

[FR Doc. 79-19070 Filed 6-18-79; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

Certain Textiles and Textile Products From Thailand; Final Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a final determination that the Government of Thailand has not given benefits which are considered to be bounties or grants

under the countervailing duty law on the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool and manmade fibers.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Leon McNeill, Technical Branch, Duty Assessment Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 12, 1979, a notice of "Preliminary Countervailing Duty Determination" was published in the Federal Register (44 FR 2747). The notice stated that the Government of Thailand had not provided benefits constituting bounties or grants within the meaning of section 303 or the Tariff Act of 1930, as amended (19 U.S.C. 1303), to manufacturers of textiles and textile products which export to the United States. One practice—an exemption for three to eight years from corporate income taxes for certain companies approved by the Board on Investment—was found to have provided benefits to one manufacturer during 1977. However, that company does not export to the United States, and accordingly that benefit does not constitute a "bounty or grant" within the meaning of the U.S. countervailing duty law.

The preliminary determination also stated that certain other practices of the Government of Thailand did not on their face constitute bounties or grants, including advisory technical and training services provided for a charge to manufacturers by the Ministry of Industry, and rebate of a business tax imposed on raw material used in export production.

Furthermore, it was preliminarily determined that certain programs did not constitute bounties or grants because they were either not applicable to or not used by the textile industry of Thailand, including fiscal benefits granted by the Board of Investment for locating in certain specified areas of the country, benefits granted to companies in areas controlled by the Industrial Estate Authority, relief from "business taxes" (levied on gross monthly receipts), and exemption from exchange controls or remittance of profits and dividends.

Interested parties were invited to submit relevant data, views or arguments either orally or in writing with respect to the preliminary determination. However, no additional information has been received. In view of the foregoing, for the reasons explained in the notice of "Preliminary Countervailing Duty Determination", the conclusions reached in that determination remain unchanged and it is hereby finally determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of textile mill products or men's and boys' apparel from Thailand.

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and manmade fibers, as specified in the U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) item numbers set forth in the Appendix to the Federal Register notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the Appendix to the above-cited Federal Register notice.

This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 101-5, May 16, 1979, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 150.47), insofar as they pertain to the issuance of a final countervailing duty determination by the Commissioner of Customs, are hereby waived.

Robert H. Mundheim,

General Counsel of the Treasury.

June 12, 1979.

[FR Doc. 79-19034 Filed 6-18-79; 8:45 am]

BILLING CODE 4810-22-M

Certain Textiles and Textile Products From Singapore; Final Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a final determination that the Government of Singapore has not given benefits which are considered to be bounties or grants under the countervailing duty law on the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and manmade fibers.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Leon McNeill, Duty Assessment Division, Technical Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On January 12, 1979, a notice of "Preliminary Countervailing Duty Determination" was published in the Federal Register (44 FR 2748). The notice stated that certain practices of the Government of Singapore provided benefits to manufacturers and/or exporters of the subject merchandise, but that such benefits did not constitute bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), because the amount of the total benefits, 0.05 percent of the value of the merchandise exported, was considered to be *de minimis*. The programs involved are:

(1) Tax benefits derived from the double deduction from gross corporate income of expenses incurred in promoting export sales by participation in certain overseas trade fairs. The value of this benefit has been calculated by multiplying the amount of the deduction allowed eligible companies which exported to the United States in 1977 by the standard corporate income tax rate, and spreading this amount over the companies' total export sales.

(2) Short-term financing at preferential interest rates provided by the Monetary Authority of Singapore (MAS). The MAS operates a program which allows exporters to discount the value of pre-export and export insurance bills of exchange (which are, essentially, sales and purchase contracts) with commercial banks at a rate lower than the one commercially available. In turn, these banks rediscount the bills of exchange with the MAS. The benefit conferred by this program is equal to the interest savings of those participating exporters which had business dealings with the United States in 1977, spread over the value of their total exports in that year.

The preliminary determination also stated that certain other practices of the Government of Singapore did not on their face constitute bounties or grants, including exemption from corporate income tax for companies increasing their investment in equipment and generally-available accelerated depreciation allowances for tax purposes.

Certain other programs were preliminarily considered not to constitute bounties or grants because they are not used by Singapore's textile and apparel industry, including an exemption from corporate income tax for companies designated as being part of a "pioneer" industry, and reduced corporate income taxes for companies granted "export enterprise status".

Finally, it was preliminarily determined that certain alleged practices do not exist in Singapore, including government loans available at preferential rates, preferential rental, tax, and utility rates for companies locating in designated industrial zones and free trade zones, and loans at preferential rates to exporters made by the Development Board of Singapore (DBS) and other sources.

Interested parties were invited to submit relevant data, views or arguments either orally or in writing with respect to the preliminary determination. However, no additional information has been received. In view of the foregoing, for the reasons explained in the notice of "Preliminary Countervailing Duty Determination", the conclusions reached in that determination remain unchanged and it is hereby finally determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of textile mill products or men's and boys' apparel from Singapore.

For purposes of this notice, "textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and manmade fibers, as specified in United States bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) item numbers set forth in the Appendix to the Federal Register notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the Appendix to the above-cited Federal Register notice.

This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 101-5, May 16, 1979, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a final countervailing duty determination by the Commissioner of Customs, are hereby waived.

Robert H. Mundheim,
General Counsel of the Treasury.
June 12, 1979.
[FR Doc. 79-19035 Filed 6-18-79; 8:45 am]
BILLING CODE 4810-22-M

Fiscal Service

[Dept. Circ. 570, 1978 Rev., Supp. No. 17]

Millers Casualty Insurance Co. of Texas; Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to The Millers Casualty Insurance Company of Texas, Fort Worth, Texas under Sections 6 to 13 of Title 6 of the United States Code as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1979.

The company was last listed as an acceptable surety of Federal bonds at 43 FR 28699, July 1, 1978.

With respect to any bonds currently in force with The Millers Casualty Insurance Company of Texas, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: June 11, 1979.
D. A. Pagliai,
Commissioner, Bureau of Government Financial Operations.
[FR Doc. 79-19012 Filed 6-18-79; 8:45 am]
BILLING CODE 4810-35-M

Office of the Secretary

Antidumping: Steel Wire Coat and Garment Hangers From Canada; Termination of Investigation Based on no Likelihood of Injury

AGENCY: United States Treasury Department.

ACTION: Termination of Anitdumping Investigation.

SUMMARY: This notice is to advise the public that an antidumping investigation involving steel wire coat and garment hangers from Canada is being terminated. The investigation is being terminated as the result of a finding by the United States International Trade Commission that there is "no reasonable indication of injury or likelihood of injury" to the domestic industry caused by imports of the subject merchandise from Canada.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, U.S. Customs Service, Office of Operations, Duty Assessment Division, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On April 20, 1979, an "Antidumping Proceeding Notice" was published in the Federal Register with respect to steel wire coat and garment hangers from Canada (44 FR 23623).

The notice stated that Treasury had concluded that there was substantial doubt of injury to, or likelihood of injury to, an industry in the United States by reason of imports of steel wire coat and garment hangers from Canada. Accordingly, the United States International Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Antidumping Act of 1921, as amended (19 U.S.C. 160(c)(2)) (hereinafter referred to as the "Act").

The United States International Trade Commission has determined, and on May 17, 1979, it advised the Secretary of the Treasury pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)), that there is no reasonable indication that an industry in the United States is being, or is likely to be, injured, by reason of the importation of steel wire coat and garment hangers, alleged to be sold at less than fair value, from Canada into the United States. This determination was published in the Federal Register on May 23, 1979 (44 FR 29990-2).

Accordingly, the antidumping investigation with respect to steel wire coat and garment hangers from Canada is hereby terminated, as provided for in section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Robert H. Mundheim,
General Counsel of the Treasury.
June 12, 1979.
[FR Doc. 79-19036 Filed 6-18-79; 8:45 am]
BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

Fourth Section Application for Relief

June 14, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43706, Southwestern Freight Bureau, Agent No. B-6, annual volume rates on ethylene glycol, in tank carloads, from Geismar, La. to Eastman, S.C., in Supp. 18 to Tariff ICC SWFB 4615, effective July 8, 1979. Grounds for relief-market competition.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-19053 Filed 6-18-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 93]

Motor Carrier Temporary Authority Applications

June 7, 1979.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 200 (Sub-345TA), filed April 5, 1979. Applicant: RISS INTERNATIONAL, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same as applicant), *Books,* serving Crawfordsville, IN as an off-route point in connection with carriers regular route authority on U.S. 36, U.S. 52, and U.S. 40 for 180 days. An underlying ETA requests 90 day authority. Supporting shipper(s): R. R. Donnely & Sons, 10009 Sloan Street, Crawfordsville, IN 47933. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 200 (Sub-346TA), filed April 27, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant), *Common carrier:* regular route: *Foodstuffs,* serving Yorktown, IN as on off-route point in connection with applicant's regular route authority on US Hwy 40 and IN Hwy 67, for 180 days. Supporting shipper: Marsh Super Markets, Inc., P.O. Box 155, Yorktown, IN 47396. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. Supporting shipper(s): Marsh Super Markets, Inc., P.O. Box 155, Yorktown, IN 47396. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 200 (Sub-347TA), filed April 27, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). *Iron and Steel, Iron and Steel Articles,* from Midland, PA to all points in MO, IL, IN, WI, MI, KS and IA, for 180 days. SUPPORTING SHIPPER: Colt Industries, P. O. Box 226, Midland, PA 15059. SEND PROTESTS TO: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. An underlying ETA seeks 90 days authority. Supporting shipper(s): Colt Industries, P.O. Box 226, Midland, PA 15059. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 200 (Sub-348TA), filed May 7, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). *Containers and Container Closures,* from Denver and Golden, CO to points in NE, IA, MN, MO, IL, IN, MI, OH, TN and KY, for 180 days. SUPPORTING SHIPPER: The Continental Group, Inc., 5401 W. 65th St., Chicago, IL 60638. SEND PROTESTS TO: John V. Barry, DS, ICC, 600 Federal bldg., 911 Walnut St., Kansas City, MO 64106. Supporting Shipper(s): The Continental Group, Inc., 5401 W. 65th St., chicago, IL 60638. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 531 (Sub-403TA), filed May 8, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes, 4904 Griggs Rd., Houston, TX 77021. Common carrier over irregular routes. *Liquid synthetic plastic, in bulk, in tank vehicles* from Columbus, OH to Hayward, CA for 180 days. Supporting Shipper(s): Adhesive Consultants Corp., 25817 Clawiter Rd., Hayward, CA 94545. Send protests to: John F. Mensing, Interstate Commerce Commission, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 730 (Sub-438TA), filed Apr-27-79. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge, 25 North via Monte, Walnut Creek, CA 94596. *Liquid weed killing compounds, in bulk, in tank vehicles.* From Portland, Oregon to points in Kansas, Missouri, Iowa & Illinois. An underlying ETA seeks *90 days* authority. Supporting Shippers(s): Rhodia Inc., P.O. Box 10224, Portland, OR 97210. Send protests to: A. J. Rodriguez, D/S, I.C.C., 211 Main St., Suite 500, San Francisco, CA 94105.

MC 2421 (Sub-22TA), filed May 16, 1979. Applicant: NEWTON TRANSPORTATION COMPANY, INC., P.O. Box 678, Lenoir, NC 28645. Representative: Charles H. Keller (same as applicant). *New furniture* from Lenoir, NC to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Broyhill Furniture Industries, Lenoir, NC. Fairfield Chair Company, P.O. Box 1710, Lenoir, NC. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 2421 (Sub-23TA), filed May 16, 1979. Applicant: NEWTON TRANSPORTATION COMPANY, INC., P.O. Box 678, Lenoir, NC 28645. Representative: Charles H. Keller (same as applicant). *Cold rolled steel formed products* from the facilities of Superior Roll Forming Company located in Independence, OH to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Superior Roll Forming Co., Inc., 7728 Commerce Park Oval, Independence,

OH 44131. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 2860 (Sub-176TA), filed May 2, 1979. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Representative: Gerald S. Duzinski (same address as above). *Containers, container closures* and *accessories* and *materials, equipment and supplies* used in the manufacture, sale and distribution of the foregoing commodities (except commodities in bulk and those which, because of size or weight, require the use of special equipment) between points in AL, AR, GA, IL, IN, LA, MD, MI, MS, NY, NJ, OH, OK, TX and WI, for 180 days. Supporting Shipper(s): Continental Can Company, U.S.A., 217 Brook Ave., P.O. Box 659, Passaic, N.J. 07055. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, N.J. 08608.

MC 2900 (Sub-369TA), filed April 27, 1979. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same as applicant). General Commodities except Classes A and B explosives, commodities in bulk, those of unusual value, those requiring special equipment, and household goods as defined by the Commission.

From Gary, IN over Interstate Hwy 65 to Louisville, KY and return over the same route. From St. Joseph, MI over U.S. Hwy 31 to Indianapolis, IN then over Indiana Hwy 37 to junction U.S. Hwy. 50, then over U.S. Hwy 50 to Junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 431, then over U.S. Hwy 431 to Nashville, TN and return over the same route. From the Indiana-Michigan State line, over U.S. Hwy 27 to Cincinnati, OH and return over the same route. From Ft. Wayne, IN over Interstate Hwy 69 to Indianapolis, IN and return over the same route. From Terre Haute, IN over U.S. Hwy 41 to Nashville, TN and return over the same route. From Chicago, IL over U.S. Hwy 90 to Indiana-Ohio State line and return over the same route. From Danville, IL over Interstate Hwy 74 to Cincinnati, OH and return over the same route. From St. Louis, MO over Interstate Hwy 70 to Richmond, IN and return over the same route. From St. Louis, MO over Interstate Hwy 64 to Louisville, KY and return over the same route. Service on Route 1 through 9 inclusive, is authorized to and from all intermediate points and all points in the state of Indiana as off route points in connection with the carriers authorized regular routes.

For 180 days. Applicant seeks to tack this authority with that issued in MC 2900 and to interline, and serve the commercial zones of each city. Supporting Shipper(s): There are 38 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 4941 (Sub-45TA), filed April 25, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan, 1093 North Montello Street, Brockton, MA 02403. *Retail Department Store Merchandise,* from Clinton, MA to points in MD and VA. An underlying *ETA seeks 90 days* authority. Supporting shipper(s): Zayre Corporation, RT. 6 Framingham, MA 01701. Send protest to: Glenn A. Eady, TS, ICC, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 4941 (Sub-46TA), filed April 9, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Authority sought to operate as a common carrier, over irregular routes, in the transportation of *Retail Department Store Merchandise,* from Mansfield, MA to Akron, Barberton, Brook Park, Cleveland (including Commercial Zone) Cambridge, Canton, Elyria, Mansfield and Mentor, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zayre Corp., Framingham, MA 01701. Send protests to: John B. Thomas, DS, ICC, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 5470 (Sub-190TA), filed May 3, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Mary Chutz-Eshenbaugh (same as Applicant). *Coke,* in bulk, in dump vehicles, from Conshohocken, PA and five (5) miles thereof, to Clarksburg, WV. Supporting shipper(s): Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: J. J. England, DS, ICC, 2111 Federal Bldg., Pittsburgh, PA 15222.

MC 8771 (Sub-50TA), filed May 4, 1979. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., N.W., Washington, D.C. 20004. *Ferro-nickel ingot,* from Baltimore, MD, to Warren, OH, and Warren, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Le Nickel, Inc., 450 Park Avenue, New York, NY 10022. Send protests to: Maria B. Kejss, Transportation assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 13651 (Sub-19TA), filed April 20, 1979. Applicant: PEOPLES TRANSFER, INC., 1430 West 11th Street, Long Beach, CA 90813. Representative: James H. Gulseth, 100 Bush Street, 21st Floor, San Francisco, CA 94104. *1(a) Such commodities as are dealt in by wholesale and retail grocery, food business, fast food, discount, and variety houses, 1(b) equipment, materials, and supplies used in the conduct of such businesses, and 1(c) general commodities when moving in mixed loads with 1(a) or 1(b) above,* between points in CA, on the one hand, and, on the other, points in OR, WA, AZ, and NV, for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Amstar Corporation, Kingsford/Duraflame, Patterson Frozen Foods, Procter & Gamble Distributing Company, and United Grocers, Ltd. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): There are 5 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 17000 (Sub-14TA), filed May 4, 1979. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *(1) Fans and heaters and (2) commodities used in the manufacture and distribution of fans and heaters (except commodities in bulk, in tank vehicles)* between Franklin, TN on the one hand, and, on the other points in IL, IN, KS, MI, OH, OK, TX and WI, for 180 days. Restricted to the transportation of shipments originating at or destined to the facilities of Lasko Metal Products, Inc. an underlying ETA seeks 90 days authority. Supporting shipper(s): Lasko Metal Products, Inc., 300 Confederate Drive, Franklin, TN 37064. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 22311 (Sub-13TA), filed April 25, 1979. Applicant: A LINE INC., 8135 Monroe St., Munster, IN 46321. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *(1) Iron, steel, zinc, lead, and articles or products thereof (except in bulk), construction materials, supplies and equipment (except in bulk),* from the facilities of or used by Penn-Dixie Steel

Corporation, Inc. at or near Joliet, IL and Kokomo, IN to points in the United States in and east of MN, IA, MO and LA; *(2) materials, equipment and supplies (except in bulk) used in the manufacture and distribution of the commodities described in (1) above* from points in the United States in and east of MN, IA, MO, AR and LA to the facilities of cr used by Penn-Dixie Steel Corporation, Inc. at or near Joliet, IL and Kokomo, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Penn-Dixie Steel Corporation, P.O. Box 5049, 1111 S. Main St., Kokomo, IN 46901. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 29990 (Sub-17TA), filed May 2, 1979. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, Wisconsin 53208. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wisconsin 53203. *Contract Carrier*: Irregular route: *Malt beverages,* from points in the Commercial Zones of Kansas City, KS and Kansas City, MO, to West Allis, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paul Rose, Incorporated, 2100 South 116th Street, West Allis, Wisconsin 53227. Send protests to: Mr. John E. Ryden, DS, ICC, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 38481 (Sub-14 TA), filed April 26, 1979. Applicant: FARRUGGIO'S BRISTOL AND PHILADELPHIA AUTO EXPRESS, INC., 1419 Radcliffe Street, Bristol, PA 19007. Representative: Alan Kuhn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Slag, slag products, sand and gravel,* from the facilities of the Warner Company in Falls Township, Bucks County, PA to points in NY and NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Warner Company, 111 Presidential Blvd., Suite 132, Bala Cynwyd, PA 19004. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. Seventh Street, Phila., PA 19106.

MC 41951 (Sub-42 TA), filed April 13, 1979. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, D.C. 20014. *Canned goods,* from Cheriton and Hopeton, VA, DE, and Worcester, Wicomico, Somerset, Dorchester, Caroline, Talbot, and Queen Anne Counties, MD to DE, MD and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 West 14 Mile Road, West Boomfield, MI 48033; Jenkins Foods Corp., P.O. Box 263, Milton, DE 19963, and A.W. Sisk & Sons, Inc., Preston, MD 21655. Send protests to: T. M. Esposito, TA, ICC, 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 4430 (Sub-19 TA), filed April 25, 1979. Applicant: HESS CARTAGE COMPANY, 17065 Hess Avenue, Melvindale, MI 48122. Representative: Walter N. Bieneman, Attorney, 100 West Long Lake Road, Bloomfield Hills, MI 48013. *Iron and Steel, iron and steel articles and materials, equipment and supplies* used or useful in the manufacture and distribution of the aforementioned commodities, between the international boundary line between the United States and Canada, at or near Sault Ste. Marie, MI on the one hand, and, on the other, points in MI, OH, PA, IN, IL and WI. For 180 days. Supporting shipper(s): The Algoma Steel Corporation, Limited, Sault Ste. Marie, Ontario, P6A 5P2. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 48441 (Sub-44 TA), filed March 23, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses,* between the facilities of Ralston Purina company at or near Clinton and Davenport, Iowa and Battle Creek, Michigan on the one hand, and on the other points in Missouri and New York. (2) *Materials, ingredients and supplies used in the manuacture, distribution and sale of the products in (1) above,* (except in bulk), between the facilities of Ralston Purina company at or near Battle Creek, Michigan; Lancaster, Ohio and Sharonville, Ohio for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 48441 (Sub-45TA), filed April 17, 1979. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Fibre drums:* from the facilities of The Continental Group, Inc. at/near Van Wert, OH to points in IL, IN and MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Continental Group, Inc., Continental Forest Industries, Office Park II, Greenwich, CT 06830. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 48441 (Sub-46TA), filed March 16, 1979. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: Elizabeth Purcell, 666 Eleventh Street, NW., Suite 805, Washington, D.C. 20001. *Such Commodities* as are used, dealt in or distributed by paper and plastic manufacturers and/or converters of paper (except in bulk, and commodities which because of size or weight require special equipment), from points in IL to the facilities of Georgia-Pacific Corporation at Kalamazoo, MI. Supporting shipper(s): Georgia-Pacific Corporation, 2425 King Highway, Kalamazoo, MI. Send protests to: T/A Annie Booker, Room 1386, 219 South Dearborn, Chicago, IL 60604.

MC 52861 (Sub-64TA), filed April 26, 1979. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: John Wilson, same address as applicant. *Lime, limestone, limestone products and refractory products,* in dump vehicles, from Maple Grove (Seneca County), OH, to Burns Harbor, Gary, E. Chicago, IN, and Chicago, IL, and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Basic Incorporated, 845 Hanna Bldg., Cleveland, OH 44115. Send protests to: Mary Wehner, D/S, I.C.C., 731 Federal Bldg., Cleveland, OH 44199.

MC 59531 (Sub-115TA), filed May 4, 1979. Applicant: AUTO CONVOY CO., 3020 South Haskell Avenue, Dallas, TX 75223. Representative: Eugene C. Ewald, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48043. *Motor vehicles, except trailers, in secondary movements, in truckaway service,* from Port Allen and Baton Rouge, LA to points in KS, MO, NE, and OK for 180 days. An underlying ETA for 90 days filed. Supporting shipper(s): Mazda Motors of America (Central), Inc., 3040 East Ana St., Compton, CA 90221. Send protests to: Opal M. Jones, TA, ICC, 1100 Commerce St., Room 13C12, Dallas, TX 75242.

MC 61470 (Sub-7TA), filed April 20, 1979. Applicant: BRYAN TRUCK LINE, INC., 610 East Wilson St., Bryan, OH 43506. Representative: James Duvall, 220 West Bridge St., Dublin, OH 43017. *Road-making implement parts,* between Bryan, OH, on the one hand, and on the other, Calhoun, GA for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): Challenge-Cook Bros., Inc., 720 E. Perry St., Bryan, OH 43506. Send protests to: ICC, Fed. Res. Bank Bldg, 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 75840 (Sub-120TA), filed April 18, 1979. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, 3400 Third Avenue, South, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. *Chemicals, paint and paint products, textile fibers, film, pigments, rubber products, photo products, and fluorocarbons,* between the facilities of E. I. duPont De Nemours & Company, Inc., located in VA, WV, OH, PA, TN, GA, NJ, NY, DE, KY, SC, and NC, on the one hand, and on the other Houston, TX. For 180 days. Supporting shipper(s): E. I. DuPont De Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 75840 (Sub-121TA), filed April 18, 1979. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, 3400 Third Avenue, South, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. *Chemicals, plastic and plastic materials,* from the facilities of Diamond Shamrock Corporation located at or near Houston, TX, to points in AR, AL, FL, GA, KY, LA, MS, MA, NY, NJ, NC, OH, PA, SC, TN, and VA. For 180 days. Supporting shipper(s): Diamond Shamrock Corporation, 1100 Superior Ave., Cleveland, OH 44114. Send protest to: Mabel E. Holston, T/A, ICC Room 1616—2121 Building, Birmingham, AL 35203.

MC 78400 (Sub-72TA), filed May 11, 1979. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037 Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Charcoal briquettes,* from the facilities of the Kingsford Company at or near Cotter, AR to points in CO, IA, IL, KS, MO, NE, NM, OK, TX, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kingsford Company, P.O. Box 1033, Louisville, KY 40201. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 82101 (Sub-16TA), filed May 1, 1979. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, MA 02090. Representative: John P. Tynan, Esq., 65–12 69th Place, Middle Village, NY 11379. *Contract Carrier:* Irregular Routes: *Kitchen or bathroom cabinets, cabinet doors, mouldings, boards, panels and brass, bronze or copper hardware* from Nashua, NH to points in Canton, Farmington, Fairfield, Kent, New Haven, CT; Claymont, Newark and New Castle, DE; Bangor, Bath, Fairfield, Oxford, Scarboro and Waterville, ME; Annapolis, Beltsville, Bradshaw, Baltimore, Gaithersburg, Hagerstown, Harmons, Hyattsville, Seabrook, Savage, Timonium and Westminster, MD; Charlestown, Danvers, E. Longmeadow, Lowell, Readville, Somerville, Springfield, Westminster, MA; Grand Rapids, MI; Bayville, Burlington, Blackwood, Berlin, Bayonne, Farmindale, Oakland, Pennington, Pleasantville, Rockaway, Trenton, Vineland, NJ; Albany, Auburn, Bohemia, Brocton, Binghamton, Babylon, Buffalo, Cicero, E. Syracuse, Farmingdale, Guilderland, Islip, Jamestown, Kennedy, Liverpool, Lacona, Middletown, Oswego, Ontario, Rochester, Schenectady, Tonawanda, Troy, NY; Elizabeth City, NC; Akron, Brookfield, Conneaut, Cambridge, Circleville, Columbia Station, Cleveland, Farmington, Lima, Maumee, Norton, Northfield, Springfield, Toledo, W. Carrolton, Westerville, OH; Altoona, Allentown, Braddock, Bridgeville, Canonsburg, Chalfont, Cresson, Duncanville, Dillsburg, Erie, Fairless Hills, Frazer, Greensburg, Harrisburg, Homer City, Lancaster, Murrayville, Milesburg, Middletown, Philadelphia, Reading, Stockertown, Tobyhanna, Uniontown, Van Port, W. Mifflin, Wilkes Barre, 84 Junction, PA; Cumberland, Cranston, Lincoln, Warwick, RI; Burlington, Williamstown, VT for the account of Triangle Pacific Corp. for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Triangle Pacific Corp., 25 Crown St., Nashua, NH 03060. Send protests to: D/S John B. Thomas, I.C.C., 150 Causeway St., Boston, MA 02114.

MC 82841 (Sub-255TA), filed April 27, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen, same address as applicant. *Such commodities as are dealt in by agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk),* from the facilities of Deere & Company located in Polk and Wapello Counties, IA to points in KS and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Deere & Company, John Deere Road, Moline, IL 61265. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 82841 (Sub-256TA), filed April 30, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen, same address as applicant. *Agricultural machinery and parts and accessories thereto,* from Rock Island County, IL to points in CO, IN, IA, KS, MI, MO, MT, NE, OH, SD, WI, and WY, for 180 days. Restricted for the account of Massey Ferguson, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Massey Ferguson, Inc., 1901 Bell Avenue, Des Moines, IA 50315. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 93840 (Sub-45TA), filed April 26, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Glue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Materials and supplies used in the manufacture of iron and steel articles,* from Chicago, IL to Wilton, IA for 180 days. Supporting shipper(s): North Star Steel, P.O. Box 749, Wilton, IA 52778. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 95490 (Sub-48TA), filed May 14, 1979. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Massachusetts 01604. Representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Malt beverages in containers, from Oswego and Onondaga counties (Syracuse, Liverpool, Clay and Fulton area), NY to CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and Washington, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Company, 3939 W. Highland Boulevard, Milwaukee, WI 53208. Sent protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 95540 (Sub-1107 TA), filed April 27, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, same address as applicant. *Foodstuffs, meats, meat products,* and *meat byproducts, dairy products, articles distributed by meat packing houses,* and *such commodities as are used by meat packers in the conduct of their business* between points at or near Britt, IA and Mason City, IA, on the one hand, and, on the other, points in the U.S. for 180 days. Supporting shipper(s): Armour & Co., Greyhound Tower, Phoenix, AZ 85077. Send protest to: Donna M. Jones, T/A, ICC, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terr., Miami, FL 33157.

MC 95540 (Sub-1108 TA), filed May 1, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, same address as applicant. *Such merchandise as is used, sold, or dealt in by retail, wholesale, or department stores, textile mills, plants, warehouses or retail or wholesale textile dealers* between Fort Worth and Dallas, TX, on the one hand, and, on the other, points in FL, PA, and NY for 180 days. Supporting shipper(s): Montgomery Ward, Montgomery Ward Plaza, Chicago, IL 60671, Haber Textiles, 1720 E. Hwy 356, Irving, TX 75060. Send protests to: Donna M. Jones, T/A, ICC, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 106401 (Sub-67 TA), filed April 18, 1979. Applicant: JOHNSON MOTOR LINES, INC., PO Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash, same as applicant Charlotte, NC 28231. *Drugs and medicines, except commodities in bulk,* from the facilities of Glenbrook Laboratories, DIV. of Sterling Drug, Inc., at or near Gulfport, MS to Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sterling Drug, Inc., 90 Park Ave. NY, NY 10016. Send protest to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 107541 (Sub-61TA), filed May 1, 1979. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 N. E. Rockwell Drive, Vancouver, WA 98665. Representative: Edward A. Francom, 12925 N. E. Rockwell Drive, Vancouver, WA 98665. Limestone, calcium carbonate and calcium carbonate products from the facilities of Pluess-Staufer Inc. at Lucerne Valley, CA to points in the States of AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY for 180 days. A corresponding ETA was granted 5/1/79 for 30 + 2 and a permanent will be filed within 60 days. Supporting shipper(s): Pluess-Staufer (California), Inc., P. O. Box 825, Lucerne Valley, CA 92356. Send protests to: R. V. Dubay, D/S, ICC. 114 Pioneer Courthouse, Portland, OR 97204.

MC 107541 (Sub-62TA), filed April 30, 1979. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 N. E. Rockwell Drive, Vancouver, WA 98665. Representative: Edward A. Francom, 12925 N. E. Rockwell Drive, Vancouver, WA 98665. For 180 days, *Wallboard, other than gypsum board* from the facilities of Owens Corning Fiberglas at St. Helens, OR to points in the State of AZ. A corresponding ETA has been filed. A permanent application will be filed in 60 days. Supporting shipper(s): Owens Corning Fiberglas, St. Helens, OR. Send protests to: D/S, ICC, R. V. Dubay, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 110191 (Sub-34TA), filed April 25, 1979. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, Norfolk, VA 23502. Representative: D. L. Turner, same address as above. *Paper and Paper Products,* from West Point, VA to points in DE; NJ; NY; MD; PA; CT; MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Chesapeake Corp. of VA., Box 311, West Point, VA 23181. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 110420 (Sub-816TA), filed April 19, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Represeentative: John Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Liquid chemicals, in bulk, in tank vehicles,* from Lake Charles, LA to points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: G. Daugherty, TA, ICC, Federal Bldg., 517 E. Wisconsin Ave. Rm. 619, Milwaukee, WI 53202.

MC 111170 (Sub-257TA), filed April 5, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: H. A. Kennedy, P.O. Box 1718, El Dorado, AR 71730. Sodium Tribromophenate, a liquid chemical, in bulk, in tank vehicles From the facilities of Velsicol Chemical Corporation at El Dorado, AR to the facilities of Velsicol Chemical Corporation at Viterbo (Beaumont), TX for 180 days as a common carrier over irregular routes. An underlying ETA seeks *90 days* authority. Supporting shipper(s): Velsicol Chemical Corporation, 341 E. Ohio Street, Chicago, IL 60611. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 111170 (Sub-258TA), filed April 25, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: H. A. Kennedy, same as applicant. *Lubricating oil,* in bulk, in tank, from Norphlet, AR to Midway, CO, for 180 days as a common carrier over irregular routes. Supporting shipper(s): MacMillan Ring Free Oil Co., Inc., 200 Petroleum Building, El Dorado, AR 71730. Send protests to: William H. Land, Jr. D/S, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 111231 (Sub-265TA), filed April 13, 1979. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Foodstuffs, frozen and other than frozen, from the facilities of Welch Foods, Inc. at or near Westfield, NY and North East, PA to points in AR, KS, LA, MO, MS, NM, OK, TN and TX, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Welch Foods, Inc., Westfield, NY 14787. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 111231 (Sub-266TA), filed May 17, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. *electrolytic chlorination cells* (except in bulk), from Russellville, AR to Jackson and Brazoria Counties, TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks *90 days* authority. Supporting shipper(s): Dow Chemical Co. U.S.A., P.O. Box 1048, Russellville, AR 72801. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, LIttle Rock, AR 72201.

MC 111401 (Sub-561TA), filed May 5, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Lubricating oil,* in bulk, in tank vehicles, from Coffeyville, KS, to Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Petroleum Sources, Inc., P.O. Box 32240, Oklahoma City, OK 73123. Send protests to: D/S, ICC, Room 240 Old Post Office, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 111401 (Sub-562TA), filed May 7, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid OK 73701. Representative: Victor R. Comstock (same address as applicant). *Chlorinated camphene (toxaphene),* in bulk, in tank vehicles, from Waco, TX, to Altus, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hercules Incorporated, 3169 Holcomb Bridge Road, Suite 700, Norcross, GA 30071. Send protests to: D/S, ICC, Room 240 Old Post Office, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 112801 (Sub-230TA), filed April 17, 1979. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: Gene Smith (same address as applicant). *Hydrochloric (Muriatic) acid, in bulk, in tank vehicles,* from Cincinnati, OH to points in IL, IN, IA, MI and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical USA, East-Central Zone, 1400 East Touhy Ave., Des Plaines, IL 60018. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 112801 (Sub-231 TA), filed April 17, 1979. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: Gene Smith (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles,* from Plaquemine, LA to points in AL, AR, FL, GA, IL, IA, IN, KS, KY, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, VA, WV, WI and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical USA, Building 3302, P.O. Box 150, Plaquemine, LA 70764. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 112801 (Sub-232TA), filed April 20, 1979. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, IL 60521. Representative: Gene Smith (same address as applicant). *Chemicals, in bulk, in tank vehicles,* from the facilities of Dow Chemical USA at Freeport, TX to points in AR, IL, IA, IN, KS, KY, MI, MN, MO, NE, OH, OK, TN and WI for 180 days. An ETA has been granted for 90 days. Supporting Shipper(s): Dow Chemical USA, P.O. Drawer K, Freeport, TX 77541. Send protests to: David Hunt, TA, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 112801 (Sub-233TA), filed April 17, 1979. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: Gene Smith (same address as applicant). *Chemicals, in bulk, in tank vehicles,* from Lake Charles, IA to points in the United States (except Alaska and Hawaii), for 180 days. Supporting Shipper(s): PPG Industries, One Gateway Center, Pittsburgh, PA 15222. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 S. Dearborn St., Chicago, IL 60604.

MC 113861 (Sub-72TA), filed April 23, 1979. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, P.O. Box 725, Memphis, TN 38101. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Liquid sugar, corn syrup, and blends of corn syrup and liquid sugar, in bulk, in tank vehicles, from Memphis, TN to points in AL, MO, LA, TX, GA, FL and OK, for 180 days. Supporting Shipper(s): Macaroy Distributing Co., 2151 York Avenue, Memphis, TN 38104. Send protests to: Floyd A. Johnson, DS, ICC, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 113861(Sub-73TA), filed April 23, 1979. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, P.O. Box 725, Memphis, TN 38101. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. *Liquid fertilizer,* in bulk, in tank vehicles, from Memphis, TN to points in AR, MS, MO and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Allied Chemical Corporation, P.O. Box 2120, Houston, TX 77001. Send protests to: Floyd A. Johnson, DS, ICC, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 115331 (Sub-352TA), filed April 23, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Missouri 63131. Representative: Steve Vogt, 11040 Manchester Rd., St. Louis, MO 63122. (1) Paper, paper products and cellulose products; and (2) paper, paper products, cellulose products and textile softeners, (1) from the facilities of Procter & Gamble Paper Products at or near Neely's Landing, MO; and (2) from the facilities of Procter & Gamble Paper Products at or near Green Bay, WI to points in and east of ND, SD, NE, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Procter & Gamble Paper Products Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 115841 (Sub-706TA), filed May 3, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler, (same address as applicant). *Foodstuffs (except commodities in bulk)* from Independence, VA and Uniontown, AL to Allentown, PA and Champaign, IL, for 180 days. Underlying ETA for 90 days filed. Supporting Shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-707TA), filed April 24, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Adhesives, glues, pastes, cleaning, preserving & sealing compounds and products, solvents, stains and related equipment and supplies,* from Kalamazoo, MI and Dayton, OH, to points in MO, KS, OK, TX, AR, LA, TN, MS, AL, FL, GA, NC, SC; VA, KY and WV, for 180 days. RESTRICTED to traffic originating at or destined to the facilities of Roberts Consolidated Industries. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Roberts Consolidated Industries, 600 N. Baldwin Park Blvd., City of Industry, CA 91749. Send protests to: Glenda Kuss, T/A, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116300 (Sub-44TA), filed April 27, 1979. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. *Malt beverages, and materials and supplies dealt in by malt beverage distributors* from the facilities of Jos. Schlitz Brewing Company at or near Memphis, TN to points in Jefferson and Lafayette Parishes, LA, for 180 days. Supporting Shipper(s): Neal W. Kaye, Inc., 201 Laitram Lane, Harahan, LA 70123. Lafayette Distributors, Inc., P.O. Box 3887, Lafayette, LA 70502. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 117241 (Sub-2 TA), filed April 23, 1979. Applicant: RONALD J. EMANUELSON, 418 Higby Road, Middletown, Connecticut 06457. Representative: Robert C. Engstrom, One Financial Plaza, Hartford, CT 06103. Fertilizer and fertilizer materials including lime and limestone in bulk in spreader dump or hopper unloading vehicles; also fertilizer and fertilizer materials, weed killing compounds and insecticides in mixed truckloads, (1) from Portland, CT to points in MA (other than Barnstable, Bristol and Plymouth Counties), VT, NH, ME and NY (other than Rensselaer, Columbia, Dutchess, Putnam, Westchester, Suffolk and Nausau Counties), (2) from points in MA, RI, VT, NH, ME and NY to Portland, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Swift Agricultural Chemical Corp., 340 Interstate North Pkwy. Suite 150, Atlanta, GA 30339. Send protests to: J. D. PERRY, JR., DS, ICC, 135 High Street, Hartford, CT 06103.

MC 117730 (Sub-52TA), filed April 9, 1979. Applicant: KOUBENEC MOTOR

SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Foodstuffs and materials and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk),* from the facilities of Oscar Mayer & Co., at Madison, WI to the facilities of Oscar Mayer & Co., Inc., at or near Goodlettsville, TN. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 117730 (Sub-53TA), filed April 30, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Rough steel forgings* from the facilities of Wyman-Gordon Company at Danville and Harvey, IL to Cleveland and Fostoria, OH, Jackson, MI and Hagerstown, MD for 180 days. An ETA has been filed for 90 days. Supporting Shipper(s): Wyman-Gordon Company, 14600 S. Wood, Harvey, IL 60426. Send protests to: David Hunt, TA 219 S. Dearborn St., Room 1386 Chicago, IL 60604.

MC 117730 (Sub-54TA), filed 4–9–79. Applicant: Koubenec Motor Service, Inc., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Flux Compounds* (except in bulk). From the facilities of Cleveland Metallurgical Supply Co. at Cleveland OH to Chicago, IL and points in its commercial zone. 180 days. An underlying ETA seeks *90 days* authority. Supporting Shipper(s): Cleveland Metallurgical Supply Co., 13621 McCracken Road, Cleveland, OH 44125. Send protests to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 117730 (Sub-55 TA), filed April 11, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Chemicals (except commodities in bulk, in tank vehicles),* (1) from the facilities of Rohm & Haas Company at Bristol, Croydon and Philadelphia, PA to points in IL, IN, IA, KS, MI, MO and WI, and (2) from the facilities of Rohm & Haas Company at Louisville, KY to points in IL, IN, IA, MN, MO and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rohm & Haas Company, Inc., Independence Mall West, Philadelphia, PA 19105. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, Il 60604.

MC 117820 (Sub-32 TA), filed April 11, 1979. Applicant: Aurelia Trucking Co., 2121 Petit Avenue, Port Huron, MI 48060. Representative: Robert D. Schuler, 100 W. Long Lake Road, Ste. 102, Bloomfield Hills, MI 48013. *Plastic pellets in containers,* from facilities of Federal Plastics, Inc., Cranford, NJ to Tecumseh and Walled Lake, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Comfort Brick and Tile Company, 6393 Rogers Highway, Tecumseh, MI 49286. Send protests to: C. R. Flemming, D/S, ICC 225 Federal Building, Lansing, MI 48933.

MC 117940 (Sub-334 TA), filed April 25, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Such commodities as are dealt in by retail department stores (except foodstuffs, those of unusual value, explosives, commodities in bulk, household goods and those requiring special equipment)* from KY, MI, OH and TN to the facilities of Gamble Skogmo, Inc. in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gamble Skogmo, Inc., 5100 Gamble Drive, Minneapolis, MN 55481. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118270 (Sub-10 TA), filed April 27, 1979. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 West Ramapo Street, Mahwah, NJ 07403. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. *Dairy products.* From Arcade, NY to ME, MA, NH, VT, RI, CT, NJ, NY, PA, GA, MD, VA, DE, FL, NC, SC, & WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Emkay Trading Corporation, 250 Clearbrook Road, Elmsford, NY 10523. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Room 618, Newark, NJ 07102.

MC 119670 (Sub-44 TA), filed April 24, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Robert H, Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40601. *Glass containers,* from Lawrenceburg, IN, to points in the states of KY, OH, IL, MI, and St. Louis County, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., James F. Rehr, Asst. General Traffic Manager, P.O. Box 265, Elmira, NY 14902. Send protests to: Bureau of Operations, ICC, 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 119700 (Sub-57 TA), filed April 26, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. *Wood Fencing, Wood Timbers, Wood Shavings and Wood Posts,* from Gladstone, MI to points in MO, TX, OH, KY, IL, IN, IA, OK and AR, for 180 days. Supporting shipper: The Mac Gillis & Gibbs Company, P.O. Box 12788, New Brighton, MN 55112. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO. 64106. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Mac Gillis & Gibbs Company, P.O. Box 12788, New Brighton, MN 55112. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO. 64106.

MC 119700 (Sub-58 TA), filed April 9, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. *Iron and steel articles,* from the facilities of Armco, Inc. at Ashland, KY, and Middletown, Oh to points in AR, KS, IA, MN, MO, NE, OK, TX, CO, MS and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armco, Inc., 703 Curtis Street, Middletown, Oh 45043. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 119700 (Sub-59 TA), filed April 13, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. *Iron and steel articles and equipment, materials and supplies* used in the manufacture and distribution of Iron and steel articles, from the facilities of North Star Steel Corporation at or near Newport, MN, to AR, CO, IL, IN, IA, KY, LA, MI, MO, OH, OK, TX and WI, for 180 days. Supporting shipper(s): North Star Steel Corporation, P.O. Box 43189, St. Paul, MN 55164. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 119741 (Sub-183TA), filed April 25, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501.

Representative: D. L. Robson (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk, in tank vehicles), from the facilities of Wilson Foods Corporation at Albert Lea, MN to IL, IA, KS, MO, and NE. Restricted to traffic originating at the named origin and destined to the named destinations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd. Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC 518 Federal Building, Des Moines, IA 50309.

MC 120181 (Sub-16TA), filed April 20, 1979. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Representative: Ralph Howard (same as applicant). *Hats, caps, containers, container closures, glassware, packaging products, container components and scrap materials,* and *materials, equipment and supplies used in the manufacture, sale and distribution* of the foregoing commodities (except commodities in bulk, in tank vehicles, and those which because of size and weight require the use of special equipment), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paramount Cap Mfg. Co., Bourbon, MO, Libbey Glass, 940 Ash St., Toledo, OH 43693. Send protests to: P. E. Binder, DS, ICC, Room 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 121060 (Sub-105TA), filed April 17, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416 Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles,* from the facilities of United States Steel Corporation at or near Gary, IN, South Chicago, Joliet and Waukegan, IL, to points in AL, AR, GA, KY, LA, MO, MS, and TN, for 180 days. Supporting shipper(s): United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Mabel E. Holston, T/A ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121641 (Sub-1TA), filed April 30, 1979. Applicant: Jerry O Connell d.b.a., SHAMROCK TRUCK LINE, 2233 S. 7th St., P.O. Box 6928, San Jose, CA 95150. Representative: Edwin L. Scott (same address as above). *General commodities,* except Vehicles, Household Goods, Livestock, Bulk Commodities in Tank Type or Vacuum type equipment and hazardous material, between AZ, CA, NV and OR for 180 days. SUPPORTING SHIPPER(S): VSL Corporation, 1077 Dell Ave., Campbell, CA 95008. SEND PROTESTS TO: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105. Supporting shipper(s): VSL Corporation, 1077 Dell Ave., Campbell, CA 95008. Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 124141 (Sub-17TA), filed April 26, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 W., Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Bagged animal feeds* from Chilton, WI to Chamblee, GA; Circleville, OH; Kansas City, MO; Kansas City, KS; Sanford, NC; Lancaster and York, PA, for 180 days as a common carrier over irregular routes. An underlying ETA seeks *90 days* authority. Supporting shipper(s): Carnation Company, 5054 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 124141 (Sub-18TA), filed April 30, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Charcoal briquettes* from Dierks, AR to AZ, CO, LA, OK, TN and TX, and MS, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Weyerhaeuser Company, P.O. Box 1060, Hot Springs, AR 71901. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 124511 (Sub-56TA), filed April 23, 1979. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Hwy 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *Common carrier:* regular route: *Iron and Steel Articles,* from the facilities of Wisconsin Steel Corporation at Chicago, IL to Maryville, MO, for 180 days. Supporting shipper(s): Wisconsin Steel Corporation, 2800 E. 106th St., Chicago, IL 60617. Send protests to: V. V. Coble, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. An underlying ETA seeks 90 days authority. Supporting shipper(s); Wisconsin Steel Corporation, 2800 E. 106th St., Chicago, IL 606017. Send protests to: V. V. Coble, DS, ICC, 600 Federal Bldg., 600 Walnut St., Kansas City, MO 64106.

MC 124711 (Sub-87TA), filed April 19, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper (same as above). *Petroleum products,* in bulk, in tank vehicles, from Shell Oil Co. refinery at or near Roxanna, IL to Kansas City, MO and to KS, NE and IA, for 180 days, common, irregular. Supporting Shipper(s): Allied Oil & Supply, Inc., 2209 South 24th St., Omaha, NE 68108. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 124711 (Sub-90TA), filed April 30, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper (same as above). *Petroleum products,* in bulk, in tank vehicles from facilities of Mobil Oil Corporation at or near Augusta, KS to points in AR; common, irregular, 180 days. Supporting shipper: Mobil Oil Corporation, Dallas, TX. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS. 67202. Supporting Shipper(s): Mobil Oil Corporation, 8350 N. Central Expressway, Dallas, TX 75206. Send protests to: M. E. Taylor, D/S, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 124821 (Sub-44TA), filed April 23, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Television picture tubes or parts thereof,* and *materials and supplies used in the manufacture, sales, and distribution of televisions and televisions parts,* between Dunmore, PA and Bloomington, IN for 180 days. An underlying ETA seeks authority for 90 days. Supporting Shipper(s): RCA Corporation, Keystone Industrial Park, Dunmore, PA 18512. Send protests to: ICC, Federal Reserve Bank Building, 101 N. Seventh Street, Room 620, Phila., PA 19106.

MC 124821 (Sub-45TA), filed April 9, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Building and construction materials,* from the facilities of Celotex Corporation, Sunbury, PA, to points in NY, NJ, CT, MA, RI, MD, DC, DE, VA, AL, GA, NC, SC, TN, FL, LA, AR, MS, KY, OH, IL, IN and MI for the account of The Flintkote Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Flintkote Company, 580 Decker Drive,

Irving, TX 75062. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, PA 19106. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Flintkote Company, 580 Decker Drive, Irving, TX 75062. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 124821 (Sub-50TA), filed April 17, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Starch and chemicals* (except in bulk), from the facilities of National Starch and Chemical Corporation at or near Indianapolis, IN, to points in the states of CT, MA, ME, MD, NJ, NY, PA, RI and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): National Starch & Chemical Corp., P.O. Box 6500, Bridgewater, NJ 08807. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 125141 (Sub-1 TA), filed April 19, 1979. Applicant: Sea-Cold Service Inc., 320 Main St., Gloucester, MA 01930. Representative: Edward F. Buckley (same address as above). Authority sought to operate as a common carrier, over irregular routes, in the transportation of *edible flour products* from Brook Park, OH and Evansville, IN to Gloucester and New Bedford, MA and Mobile, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Gorton Group, Division of General Mills Inc., Gloucester, MA 01930. Send protests to: John B. Thomas, DS, ICC, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 125479 (Sub-51 TA), filed April 27, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Iron and steel articles,* from the facilities of Nucor Steel Corporation at or near Norfolk, NE to points in CA, ID, MT, NV, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nucor Steel Corporation, P.O. Box 309, Norfolk, NE 68701. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 125551 (Sub-16 TA), filed May 3, 1979. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. *General commodities [except classes A and B explosives and commodities in bulk)* between points in the Seattle, WA Commercial Zone, restricted to traffic having prior or subsequent movement by water, for 180 days. Supporting shipper(s): Western Compound Co., 1024 6th Avenue So., Seattle, WA 98134. Totem Ocean Trailer Express, Inc., 1100 Olive Way, P.O. Box 24908, Seattle, WA 98134. Pacific Alaska Lines, 2401 Fourth Ave., Seattle, WA 98121. Puget Sound Packaging and Crating Inc., 9407 E. Marginal Way So., Seattle, WA 98134. Alaska Hydro-Train, 2401 Fourth Ave., Seattle, WA 98121. Pacific Alaska Lines-West, 2401 Fourth Ave., Seattle, WA 98121. Hawaiian Marine Lines, 2401 Fourth Ave., Seattle, WA 98121. Hydro-Tech, Inc., 1117 Phillips Field Rd., Seattle, WA. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 127030 (Sub-7 TA), filed April 13, 1979. Applicant: MATTHEW J. DE PALMA, INC., 1700 Orthodox Street, Philadelphia, PA 19124. Representative: Leonard W. Becker (same as above). *Raw sugar,* in bulk, from Camden, NJ to Yonkers, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Philipp Brothers, 1221 Avenue of The Americas, New York, NY 10020. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. Seventh Street, Room 620, Philadelphia, PA 19106.

MC 127610 (Sub-3TA), filed May 2, 1979. Applicant: J. P. NOONAN TRANSPORTATION, INC., 436 West Street, West Bridgewater, Mass. 02379. Representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. *Slag,* from Bow, NH to points in ME, VT, MA, CT, RI, and NY for 180 days. Supporting Shipper(s): H. B. Reed & Co., Inc., 8149 Kennedy Ave., Highland, IN 46322. Send protests to: D/S John B. Thomas, ICC, 150 Causeway St., Room 501, Boston, Mass. 02114.

MC 127651 (Sub-45TA), filed April 23, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles* from facilities of L. B. Foster Co., at or near Bedford Park, IL to points in WI and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): L. B. Foster Co., 6660 S. Nashville Ave., Bedford Park, IL. Send protests to: Gail Daugherty, TA, ICC—Bureau of Operations, US Federal Bldg & Courthouse, 517 East Wisconsin Ave. Rm. 619, Milwaukee, WI 53202.

MC 127840 (Sub-100TA), filed April 17, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. *Petrochemicals, in bulk,* from Houston, TX to points in OH, CT, NJ, CO, AZ, IL, UT, MO, PA, AR, CA, MI, WI and IN, for 180 days. Supporting Shipper(s): Chemical Exchange, Inc., 101 Concrete St., Houston, TX 77012. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 127840 (Sub-101TA), filed April 17, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. *Plastic pellets,* from Denver, CO to Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Phillips Petroleum Company, 154 Phillips Building Annex, Bartlesville, OK 74004. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 127840 (Sub-104TA), filed March 28, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Animal fats, animal oils, vegetable oils, and blends and products of animal fats, animal oils and vegetable oils,* in bulk, in tank vehicles, from Denison, TX to Points in CA, WA and OR for 180 days. Supporting shipper(s): Safeway Stores, Inc., 5725 East 14th Street, Oakland, CA 94660. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 127840 (Sub-105TA), filed March 30, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Glycol Ether,* from Crosby, TX to Pandora, OH. 180 days. Supporting shipper(s): KMCO, Inc., 16503 Ramsey Road, Crosby, TX 77532. Send protests to: T/A Annie Booker, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 127991 (Sub-5TA), filed March 27, 1979. Applicant: P. F. HUNTLEY CO., 6222 E. Desmet, Spokane, WA 99206. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Bananas and agricultural commodities exempt from regulation under Section 10526 (a)(6) of the Interstate Commerce Act when*

transported in mixed loads with bananas, from the facilities of DelMonte Banana Co. at Port Hueneme, CA to points in ID and WA, restricted to the transportation of traffic having a prior movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DelMonte Banana Company, 1201 Brickell Ave., Miami, FL 33101. Send protests to: Shirley M. Holmes, T/A, ICC 858 Federal Bldg., Seattle, WA 98174.

MC 128021 (Sub-42TA), filed April 18, 1979. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Contract irregular: *Cleaning compounds, floor scrubbing machines, display racks, vacuum cleaner bags, vacuum cleaner belts, pressure washers and commodities dealt in by cleaning compound manufacturers,* from French Lick, IN, and Marion County, IN, to all points in the United States (except AK and HI); and *equipment, materials and supplies used in the manufacture and distribution of cleaning compounds, floor scrubbing machines, display racks, vacuum cleaner bags, vacuum cleaner belts, pressure washers and commodities dealt in by cleaning compound manufacturers* (except commodities in bulk, in tank vehicles), from all points in the United States (except AK and HI) to French Lick, IN, and Marion County, IN, under a contract or contracts with the Earl Grissmer Company, Inc., for 180 days. Supporting shipper(s): Earl Grissmer Company, Inc., 7950 Castleway Drive, Indianapolis, IN 46250. Send protests to: Mabel E. Holston, T/A ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 128940 (Sub-39 TA), filed April 27, 1979. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21504. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Contract carrier:* irregular route: *General commodities in vehicles equipped with mechanical refrigeration (except Classes A and B explosives, commodities in bulk, household goods and commodities requiring special equipment),* between the facilities of Baltimore Shippers and Receivers Association, Inc., at or near Baltimore, Maryland on the one hand, and, on the other, points in FL and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Baltimore Shippers and Receivers Assn., Inc., 3601 Benson Ave., Baltimore, MD 21227. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 129191 (Sub-11 TA), filed April 24, 1979. Applicant: RICHARD T. PLATNER, d.b.a. JANS MOTOR SERVICE, 12600 South Laramie Avenue, Alsip, IL 60659. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601. *Iron and steel articles,* from the facilities of Jones and Laughlin Steel Corp. located in the Chicago, IL commercial zone to points in IL, the St. Louis, MO commercial zone, and points in the Davenport, IA, E. Moline, Moline and Rock Island, IL commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones & Laughlin Steel Corporation, 3001 Dickey Road, East Chicago, IN 46312. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 129401 (Sub-12 TA), filed April 13, 1979. Applicant: DOUGLAS & BESS, INC., Rt. 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave, NW, Washington, DC 20036. *Contract* Carrier-Irregular routes; *Feed and feed ingredients, except in bulk* from Decatur, IL to points in NC and under a continuing contract with the A.E. Staley Manufacturing Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): A. E. Staley Manufacturing Company, 220 E. Eldorado St., Decatur, IL 62521. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd., Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 129401 (Sub-13 TA), filed May 11, 1979. Applicant: DOUGLAS & BESS, INC., Rt. 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW, Washington, DC 20036. *Contract* carrier—Irregular routes; (1) *Wood sawing machines, pumps, generators, compaction equipment, concrete vibrators, lawn care equipment, accessories and parts thereof;* from Gastonia, NC and Greer, SC to points in the U.S. in the west of LA, AR, MO, IL and WI, under a continuing contract with Homelite Division of Textron, Inc. (2) *materials, equipment and supplies used in in the manufacturing, assembly, and distribution of wood sawing machines, pumps, generators, compaction equipment, concrete vibrators, and lawn care equipment, accessories and parts thereof,* from points in the U.S. in and west of LA, AR, MO, IL and WI, to Gastonia, NC and Greer, SC under a continuing contract with Homelite Division of Textron, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Homelite Division of Textron, Inc., P.O. Box 1500, Gastonia, NC 28052. Send protests to: D/S Terrell Price, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 129480 (Sub-38TA), filed April 23, 1979. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550-71st Avenue S.E., Calgary, AB, Canada T2H 0S6. Representative: Richard S. Mandelson, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. (1) *Agricultural machinery and implements,* (2) *tractors,* (3) *industrial construction, excavating and material-handling equipment,* (4) *trailers* designed for the transportation of the above commodities, and (5) *parts, components and accessories* for commodities described in paragraphs (1) through (4) above, from the plantsites and storage facilities of J. I. Case Company at or near Bettendorf and Burlington, IA, Terre Haute, IN, and Racine, WI, to the International Boundary line between the U.S. and Canada in ND, MN, MT, ID and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. I. Case Company, 700 State St., Racine, WI 53404. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 129790 (Sub-12TA), filed April 20, 1979. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI-WAY FRATE, Route 5, Box 10B, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Contract carrier:* irregular routes: *Foodstuffs* from Clifton, NJ to IL, IN, IA, MI, MN, NE, OH, and WI, under a continuing contract or contracts with Globe Products Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Globe Products Co., Inc., 55 Webro Road, Clifton, NJ 07015. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 129830 (Sub-12TA), filed April 23, 1979. Applicant: JACOBSMA TRANSPORTATION COMPANY, 2600 Highway 75 North, Sioux City, IA 51105. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Hides,* from Hospers, IA and the commercial zone of Sioux City, IA to points in the commercial zones of Chicago, IL; Fond du Lac, Kenosha, Milwaukee, and Sheboygan, WI and St. Paul, MN, for 180 days. An underlying

ETA seeks 90 days authority. Supporting shipper(s): (1) Great Plains Processing, 1100 Cunningham Dr., Sioux City, IA 51107. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 133541 (Sub-7TA), filed April 20, 1979. Applicant: MCKIBBEN MOTOR SERVICE, INC., 494 W. Sharon Rd., Cincinnati, OH 45264. Representative: James Duvall, 220 W. Bridge Street, Dublin, OH 43017. *Contract carrier:* irregular routes: *Glass containers,* between Marion, IN, on the one hand, and, on the other, points in KY, MI and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, John R. Moosbrugger, Manager Traffic-Central Region, 8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: Bureau of Operations, ICC, Wm J. Green, Jr., Federal Bldg., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 134071 (Sub-6TA), filed April 25, 1979. Applicant: MODULAR TRANSPORTATION CO., P.O. Box 1822, Grand Rapids, MI 49501. Representative: William D. Parsley, 1200 Bank of Lansing Building, Lansing, MI 48933. *Iron and steel articles, and materials, equipment and supplies* used in the manufacture thereof; from the facilities of or utilized by Penn-Dixie Steel Corporation, Penn-Dixie Steel Industries, Inc. and Stevens Spring, Inc., at or near Lansing and Grand Rapids, MI; Joliet and Blue Island, IL; Kokomo and Fort Wayne, IN; Centerville, IA; Jackson, MS; Columbus and Toledo, OH; to points in the United States (excluding Alaska and Hawaii); and from points in the United States (excluding Alaska and Hawaii) to the facilities of or utilized by Penn-Dixie Steel Corporation, Penn-Dixie Steel Industries, Inc. and Stevens Spring, Inc., located at or near points in Lansing and Grand Rapids, MI; Joliet and Blue Island, IL; Kokomo and Ft. Wayne, IN; Centerville, IA; Jackson, MS; and Columbus and Toledo, OH; for 180 days. Supporting Shipper(s): Penn-Dixie Steel Corporation, 1111 S. Main St., Kokomo, IN 46901. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 134131 (Sub-11TA), filed May 14, 1979. Applicant: R & S TRANSIT, INC., 1323 West Locust, Springfield, MO 65803. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Bubble bath, shampoo, toilet preparations, liquid cleaning compounds and buffing or polishing compounds* (except in bulk), from Manitowoc, WI to Los Angeles and San Francisco, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Northern Laboratories, Inc., 4701 Custer, Manitowoc, WI. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 134441 (Sub-6TA), filed April 25, 1979. Applicant: DESERT COASTAL TRANSPORT, INC., 3015 East "G" Street, Ontario, CA 91764. Representative: Robert O. Young, 3015 East "G" Street, Ontario, CA 91764. *Bananas and bananas in mixed loads with fresh fruit and vegetables and fresh fruits and vegetables when moving at the same time and in the same vehicle with bananas,* from points within 15 miles of Port Hueneme, California, to Phoenix and Tucson, Arizona, for 180 days. An underlying ETA seeks 90 days operating authority. Supporting Shipper(s): Del Monte Banana Company, 1201 Brickell Avenue, Miami, FL 33101. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 134551 (Sub-13TA), filed May 8, 1979. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Drive, Madison, IL 62060. Representative: Ernest Brooks III, 1301 Ambassador Bldg., St. Louis, MO 63101. Such merchandise as is dealt in by wholesale, retail and chain food and grocery stores, plastic articles, cleaning scouring and solvent materials (except in bulk), compressed gas in cylinders, and advertising matter, premiums and display materials when moving at the same time and in the same vehicle with such merchandise (restricted to movement in vehicles equipped with mechanical refrigeration) between Des Plaines and Chicago, IL and points in MO and KS. Supporting Shipper(s): Dry Storage Corporation, 2005 West 43rd Street, Chicago, IL 60609. Send protests to: Interstate Commerce Commission, Room 414 Leland Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 134940 (Sub-3TA), filed April 17, 1979. Applicant: VERNON KUFAHL, d.b.a. KUFAHL TRUCKING, 4704 N. 32nd Ave., Wausau, WI 54401. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; *Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters, and printers of paper and paper products* (except commodities in bulk) from the facilities of Georgia Pacific Corp. at or near Tomahawk, WI to points in DE, IL, IN, MI, MN, NY & VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Pacific Corp., 900 Summer St., Stamford, CT 06901. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 134940 (Sub-4TA), filed April 24, 1979. Applicant: VERNON KUFAHL, d.b.a. KUFAHL TRUCKING, 4704 N. 32nd Ave., Wausau, WI 54401. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; *Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters, and printers of paper products* (except commodities in bulk); (1) from the facilities of Georgia Pacific Corp. at or near Gary, IN to points in MN & WI; (2) from the facilities of Georgia Pacific Corp. at or near Taylorville, IL to points in MN, WI, MI & IN; and (3) from points in IL and from points in the Minneapolis-St. Paul, MN Commercial Zone to facilities of Georgia Pacific Corp. at or near Tomahawk, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Pacific Corp., 900 Summer St., Stamford, CT 06901. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 134970 (Sub-24TA), filed April 27, 1979. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *(1) Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) foodstuffs when moving in mixed loads with articles listed in (1) above,* from Davenport, IA to Demopolis and Montgomery, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 135070 (Sub-52TA), filed April 23, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE 68501. *Kitchen and storage cabinets, and new furniture,* knocked down and parts and accessories thereto, from White City and Portland, OR to points in MS, PA, IL, OH, TN, IA, NC, SC, and IN, for 180

days. An underlying ETA seeks 90 days authority. Supporting shipper[s]: D & M Wood Products, Div. of Medford Corp., P.O. Box 20037, Portland, OR 97220. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206 Federal Building, Amarillo, TX 79101. Supporting shipper[s]: D & M Wood Products, Div. of Medford Corp., P.O. Box 20037, Portland, OR 97220. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 135070 [Sub-54TA], filed May 2, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE 68501. *Motorcycles, and recreational vehicles, parts, components, and accessories thereof,* and *such commodities* as are used in the manufacture, sale and distribution of motorcycles and recreational vehicles, from the facilities of AMF, York Division, at or near York and Middletown, PA to points in AR, LA, OK, and TX, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper[s]: AMF, York Division, 1425 Eden Road, York, PA 17402. Send protests to: Martha Powell, Transportation Assistant, 9A27 Federal Building, 819 Taylor Street, Forth Worth, TX 76102. Supporting shipper[s]: AMF, York Division, 1425 Eden Road, York, PA 17402. Send protests to: Martha Powell, Room 9A27 Federal Building, 819 Taylor Street, Forth Worth, TX 76102.

MC 135070 [Sub-55TA], filed May 4, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE 68501. Meats, meat products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Reelfoot Packing Company, at or near Union City and Humboldt, TN, to points in CA, MA, NJ, and PA, for 180 days. Supporting shipper[s]: Reelfoot Packing Company, P.O. Box 689, Union City, TN 38261. Send protests to: Martha Powell, Transportation Assistant, Room 9A27 Federal Building, 819 Taylor Street, Forth Worth, TX 76102. Supporting shipper[s]: Reelfoot Packing Company, P.O. Box 689, Union City, TN 38261. Send protests to: Martha Powell, Transportation Assistant, ICC, Room 9A27 Federal Building, 819 Taylor Street, Forth Worth, TX 76102.

MC 135070 [Sub-56TA], filed May 4, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE 68501. *Candy and confectionery,* from the facilities of M & M/Mars, at or near Elizabeth and Hackettstown, NJ and Elizabethtown, PA to points in AZ and CA, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper[s]: M & M/Mars, Div. of Mars, Inc., High Street, Hackettstown, NJ. Send protests to: Martha Powell, Transportation Assistant, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102. Supporting shipper[s]: M & M/Mars, Div. of Mars, Inc., High Street, Hackettstown, NJ. Send protests to: Martha Powell, TA, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 135170 [Sub-38TA], filed April 20, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. BOX 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier:* Irregular routes: *Metal containers,* from Columbus and Worthington, OH to Hurlock, MD., under contract with The Continental Group, Inc., Passaic, NJ, for 180 days. Supporting shipper[s]: Thomas Riall, The Continental Group, Inc., 217 Brook Ave., Passaic, NJ 07055. Send protests to: W. L. Hughes, DS, ICC 1025 Federal Bldg., Baltimore, MD 21201.

MC 135221 [Sub-14TA], filed April 12, 1979. Applicant: DICK SIMON TRUCKING, INC., P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030—15th Street NW., Washington, D.C. 20005. *Doors,* in van trailers, from Vancouver and McCleary, WA to Salt Lake City, UT and points in its commercial zone, for 180 days. An underlying ETA requests 90 days authority. Supporting Shipper[s]: Cook Lumber Company, 6533 South State Street, Murray, UT 84107. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 135410 [Sub-60TA], filed April 19, 1979. Applicant: COURTNEY J. MUNSON, d/b/a Munson Trucking, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Common, Irregular* Envelopes from Addison, IL to Mt. Pleasant, IA. Supporting Shipper[s]: Boise Cascade Corporation, P.O. Box 7747, Boise, ID 83707. Send protests to: Charles D. Little, District Supervisor, ICC, Room 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL 62701.

MC 135691 [Sub-32TA], filed April 19, 1979. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 402626, Dallas, TX 75240. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Contract carrier, irregular routes. *(a) Air conditioning equipment, furnaces, and component parts, and accessories therefore; and material, equipment and supplies utilized in the manufacture, sale and distribution of said commodities* from Tyler, TX; Dallas, TX; and Indianapolis, IN to Memphis, TN; *(b) Air conditioning equipment, furnaces, and component parts, and accessories therefore; and material, equipment, and supplies utilized in the manufacture, sale, and distribution of said commodities* from Memphis and Nashville, TN; and Syracuse, NY to points in the U.S. in and East of MN, IA, MO, OK, and TX; *(c) All* restricted against commodities in bulk or those which by reason of size or weight require the use of special equipment; and further restricted to a transportation service to be performed under a continuing contract with Carrier Corporation. An underlying ETA seeks 90 days authority. Supporting shipper[s]: Carrier Air Conditioning, P.O. Box 4808, Syracuse, NY 13221. Send protests to: Opal M. Jones, TA, ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 136220 [Sub-74TA], filed May 1, 1979. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, Oklahoma 74601. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 24, El Reno, Oklahoma 73036. *Petroleum Coke,* [in bulk, in dump vehicles] from Port Arthur, TX to the facilities of Great Lakes Carbon Corp. at Kremlin, Oklahoma. For 180 days. Supporting Shipper[s]: Great Lakes Carbon Company, 299 Park Ave., New York, N.Y. 10017. Send protests to: Connie Stanley, TA, ICC, Room 240 Old Post Office Bldg., 215 N.W. Third Street, Oklahoma City, Oklahoma 73102.

MC 136511 [Sub-50TA], filed April 27, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. *Coatings, adhesives, sealants and thinners,* between Brea, CA; Buffalo, NY; Chicago, IL; Conroe, TX; Denver, CO; Houston, TX; Jacksonville, FL; Jefferson, LA; Wichita, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper[s]: Ameron Protective Coatings Division, 201 N. Berry Street, P.O. Box 1020, Brea, CA 92621. Send protests to:

Charles F. Myers, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 138000 (Sub-48TA), filed April 30, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennslyvania Ave., Hagerstown, MD 21740. *Aluminum ingots and sows,* from the facilities of Batchelder Blasius, Inc. at or near Spartanburg, SC, to points in IN, IL, MI, OH, KY, PA, VA, NC, GA, TN, FL, NY, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Batchelder Blasius, Inc., P.O. Box 5503, Spartanburg, SC 29304. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th Street, Rm 620, Philadelphia, PA 19106.

MC 138000 (Sub-49TA), filed March 26, 1979. Applicant: ARTHUR H.—FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Malt beverages,* from Newport, KY and Evansville, IN and their respective commercial zones to points in NC, SC, VA, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. Heileman Brewing Co., Inc., 925 S. Third St., La Crosse, WI 54601. Send protests to: T. M. Esposito, Trans. Asst., 101 S. 7th St., Room 620, Philadelphia, PA 19106.

MC 138420 (Sub-38TA), filed April 26, 1979. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, WI 53063. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters and printers of paper and paper products (except commodities in bulk)* from facilities of Consolidated Papers, Inc. at or near Wisconsin Rapids, Biron and Stevens Point, WI to points in MI, MO and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Papers, Inc., Wisconsin Rapids, WI 55494. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Room 619, Milwaukee, WI 53202.

MC 138841 (Sub-15TA), filed April 19, 1979. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Meat and meat products* from Worthington, MN to points in CA for 180 days. Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 139571 (Sub-2TA), filed April 27, 1979. Applicant: A. S. MASON, INC., 3110 Gibson Street, Bakersfield, CA. 93308. Representative: Michael J. Stecher, Silver, Rosen, Fischer & Stecher, 256 Montgomery Street, San Francisco, CA 94104. *(1) Oil well drilling rigs, and oil well drilling machinery, and (2) Equipment, materials and supplies incidental to or used in the drilling and development of oil wells,* between points in CA, on the one hand, and points in NV, on the other hand, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): R. B. Montgomery, 3504 Standard Street, Bakersfield, CA; Coastal Drilling, 2157 Mohawk, Bakersfield, CA 93308. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141721 (Sub-2TA), filed March 22, 1979. Applicant: DFC TRANSPORTATION COMPANY, 3600 North River Road, Franklin Park, IL 60131. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. *Coffee,* tea, beverage mix, and beverage kits and parts thereof, from the facilities of CFS Continental, Inc., located at Houston, TX, to Chicago, IL, Detroit, MI, and Indianapolis, IN, and points in their respective commercial zones. An underlying ETA seeks 90 days authority. Supporting shipper(s): CFS Continental, Inc., 2550 North Clybourn Avenue, Chicago, IL 60614. Send protests to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 142081 (Sub-2TA), filed April 20, 1979. Applicant: ETHLAR T. SMALL, JULIA T. SMALL, ERIC T. SMALL and CRAIG T. SMALL, d.b.a. SMALL'S L. P. GAS COMPANY (Partnership), P.O. Box 397, Wyatt, MO 63882. Representative: Eric T. Small (same address as above). *Anhydrous Ammonia* from Barefield, AR to points in AR, KY, MO and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chevron Chemical Company, P.O. Box 282, Ft. Madison, IA 52627. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 142081 (Sub-3TA), filed April 20, 1979. Applicant: ETHLAR T. SMALL, JULIA T. SMALL, ERIC T. SMALL and CRAIG T. SMALL, d.b.a. SMALL'S L. P. GAS COMPANY (Partnership), P.O. Box 397, Wyatt, MO 63882. Representative: Eric T. Small (same address as above). *Anhydrous Ammonia* from Selma, MO to points in AR, IL, KY, TN and KS, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): United States Steel Corp., 600 Grant St., Pittsburgh, PA 15230. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 142181 (Sub-6TA), filed April 30, 1979. Applicant: LIBERTY CONTRACT CARRIER, INC, P.O. Box 1104, 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier:* irregular routes: *Merchandise, equipment and supplies, sold, used or distributed by a manufacturer of cosmetics* between Atlanta, GA, on the one hand, and, on the other, points in AL, FL, GA, LA, (except Shreveport, New Orleans and Baton Rouge), MS, NC, SC and TN, for 180 days. Supporting shipper(s): Avon Products, Inc., 2200 Cotillion Drive, Atlanta, GA 30302. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 142310 (Sub-18TA), filed April 30, 1979. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Such commodities as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, or printers of paper and paper products,* from the facilities of Mosinee Paper Corporation at Mosinee, Green Bay, and Columbus, WI to points in IL, IN, IA, KY, MI, NC, OH, PA, MA, NY, TN, VA, MO, OK, AR, AL, NJ, TX, MS, GA, NH, SC and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mosinee Paper Corporation, Mosinee, Wisconsin 54455. Send protests to: Mr. John E. Ryden, DS, ICC, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 142971 (Sub-2TA), filed May 15, 1979. Applicant: F & W TRANSPORT CO., INC., P.O. Box 389, Camden, NJ 08101. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract irregular. *Wooden and plastic cabinets, and materials and supplies used in the manufacturing, sale and installation thereof,* (except in bulk). Between Lakewood, NJ on the one hand, and, on the other, points in VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Excel Wood Products Co., Inc., P.O. Box 819, Lakewood, NJ 08901. Send protests to: Robert J. Latarewicz, TR&TS, ICC 744 Broad Street, Room 522, Newark, NJ 07102.

MC 143331 (Sub-8TA), filed April 19, 1979. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton

Blvd., P. O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P. O. Box 1756, Whittier, CA 90609. *Contract:* irregular: *Plastic articles and materials, equipment and supplies dealt in by manufacturers of plastic articles,* from Dallas, TX to points in AZ, CA, CO, ID, KS, NE, NV, NM, OR, UT, WA and WY, for 180 days, under a continuing contract or contracts with Owens-Illinois, Inc. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Owens-Illinois, Inc., P. O. Box 1035, WEP-4, Toledo, OH 43666. Send protests to: Irene Carlos, TA, ICC, P. O. Box 1551, Los Angeles, CA 90053.

MC 143471 (Sub-14TA), filed May 4, 1979. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 301 Mt. Rushmore Road, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Contract carrier:* irregular routes: *Lumber and lumber products* from Townsend, MT and points in its commercial zone to points in IL, IA, MN, NE, ND, SD, WI and WY for the account of Wickes Forest Industries for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wickes Forest Industries, Division of the Wickes Corp., Box 153, Grangeville, ID 83530. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 143621 (Sub-17TA), filed April 24, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue, North, Nashville, TN 37219. Representative: Sidney T. Stanley (same address as applicant). *Iron and Steel Articles* from the plantsite and warehouse facilities of Republic Steel Corp. at Gadsden, AL to points in TN, KY, IN & OH, for 180 days. Supporting shipper(s): Republic Steel Corp., Alabama City Station, Gadsden, AL 35901. Send protests to: Glenda Kuss, T/A, ICC, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 143830 (Sub-4TA), filed May 4, 1979. Applicant: JAMES S. HELWIG and ALLEN L. GRIMLAND, d.b.a. H & G LEASING, 2901 Inwood, Dallas, TX 75235. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Motor Truck or trailer coupler parts,* from Holland, MI and Denmark, SC, to the facilities of Holland Hitch of Texas, Inc., located at or near Wylie, TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Holland Hitch of Texas, Inc., P.O. Box 977, Wylie, TX 75098. Send protests to: Opal M. Jones, TA, ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 144041 (Sub-33TA), filed May 9, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Representative: Mark C. Ellison, P.O. Box 56387, Atlanta, GA 30343. *Ornamental iron, plastic articles, vents, ventilators, ceiling grids, shutters, louvers, and parts, accessories, materials and supplies used in the manufacturing, sale and installation of the commodities named above (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment)* between the facilities of Leslie-Locke, Division of Questor Corp., located at or near Franklin Park, IL; Lodi, OH and Tifton, GA, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, CO, NE, SD and ND for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Leslie-Locke Division, Questor Corp., One John Goerlich Square, Toledo, OH 43694. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 144201 (Sub-6TA), filed April 25, 1979. Applicant: V.M.P. ENTERPRISES, INC., 3006 S. 40th St., Milwaukee, WI 53215. Representative: Wm. C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Buses, in initial movements, in driveaway service,* from Delaware and Loudonville, OH to points in the U.S., except AK, HI and OH, restricted to traffic originating at the facilities of Gruman-Flxible Corp., at named origins, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gruman Flxible Corp., 970 Pittsburg Dr., Delaware, OH 43015. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Milwauke, WI 53202.

MC 144630 (Sub-19TA), filed March 23, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Corrugated paper products,* from the facilities of Akers Packaging Service, Inc., at Chicago, IL, to Muncie, IN; Cincinnati, Dayton, and Middletown, OH, for 180 days. Supporting shipper: Akers Packaging Service, Inc., 1037 E. 87th Street, Chicago, IL 60619. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 144810 (Sub-3TA), filed April 25, 1979. Applicant: FLOYD M. CROSS, 62911 Lopez Street, Espanola, NM 87532. Representative: Roger V. Eaton, Campbell, Cherpelis & Pica, P.O. Drawer 965, Albuquerque, NM 87103. *Contract carrier:* irregular routes: *Gypsum and gypsum products,* from Rosario, NM to Tucson and Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Gypsum Company, P.O. Box 2636, Santa Fe, NM 87501. Send protests to: District Supervisor, ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 144910 (Sub-3TA), filed April 25, 1979. Applicant: TYREE D. PRUITT, d.b.a., TY PRUITT TRUCKING, 811 Landay Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 1030—15th St. NW., Washington, D.C. 20005. *Flour, flour products and sugar topping* (except in bulk), from the facilities of the Pillsbury Company, Martel, OH to Baltimore, MD, E. Orange and W. Carteret, NJ, Philadelphia and Harrisburg, PA, Roanoke and Richmond, VA and DC and points in their respective commercial zones, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): Richard A. Fischer, The Pillsbury Company, 608 Second Ave. South, Minneapolis, MN 55402. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 145230 (Sub-2TA), filed May 8, 1979. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39191. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Contract carrier; irregular routes: *Such commodities as are dealt in or used by manufacturers of lawn and snow removal products* (except commodities in bulk) between the facilities of Jacobsen Manufacturing Co. at Brookhaven, MS, on the one hand, and, on the other, points in the states of PA, MA, OH, MI, IN, IL, WI, MN, MO and TX, for account of Jacobsen Manufacturing Co., Brookhaven, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jacobsen-Textron, P.O. Box 568, Brookhaven, MS 39601. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 145441 (Sub-39TA), filed April 24, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same as applicant). *Glass and glassware* from Dunkirk, IN to points in AZ, CA, NV, OR, WA and UT, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Lancaster Colony Corporation, 37 West Broad Street, Columbus, OH 43215. Send protests to: William H. Land, Jr., D/S,

3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145480 (Sub-1TA), filed May 1, 1979. Applicant: ED WOLFE TRUCKING, INC., 20425 Ahha Lane, Bend, OR 97701. Representative: Philip G. Skofstad, 1300 N. E. Linden Ave., Gresham, OR 97030. Dolomite lime in bulk to be transported in hydraulic operated and dump equipment only from Salinas and Natividad, CA to Gresham, Portland, Woodburn, Hillsboro, Salem, Bend, Redmond, Prineville, Madras, Culver, St. Helens, Forest Grove, McMinnville, Newberg, Albany, Corvallis and Dallas, OR for 180 days. A corresponding ETA has been filed this date and a Permanent will be filed in the immediate future. Supporting shipper(s): North Pacific Trading Co., P.O. Box 3915, 1505 S. E. Gideon, Portland, OR 97208. Send protests to: R. V. Dubay, D/S, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 145541 (Sub-2TA), filed April 26, 1979. Applicant: SUNWAY CORPORATION, 118 W. Main Street, Thomasville, North Carolina 27360. Representative: Stephen L. Ervin, P.O. Box 22, Trinity, NC 27370. *New Furniture, Furniture parts, and materials used in the manufacturing of new furniture* between points in Burke, Cleveland, and Davie Counties, NC on the one hand, and on the other, points in AZ, CA, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drexel Heritage Furnishings, Inc., Drexel, NC 28619. Send protests to: Terrell Price, DS, ICC, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 145581 (Sub-2TA), filed May 9, 1979. Applicant: Harold L. Hood, d/b/a Hood Trucking, RR1, Rushing, IL 62681. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract, Irregular,* Treated lumber, unfinished lumber, lumber and wood products from Beardstown, IL to points in, IN, IA, MI, MN, and WI. Supporting shipper(s): Edward Hines Lumber Co., 200 South Michigan Avenue, Chicago, IL 60604. Send protests to: Interstate Commerce Commission, Room 414 Leland Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 145680 (Sub-2TA), filed May 4, 1979. Applicant: C & R TRUCKING, LTD., 2955 Packers Ave., Madison, WI 53704. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Dunnage trays* from facilities of Portage Industries Corp. at on near Portage, WI to Chicago Hts., IL; Bedford, OH and Woodhayen, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Portage Industries Corp., 1325 Adams St., Portage, WI 53901. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145861 (Sub-2TA), filed April 24, 1979. Applicant: VANTRANS, INC., 11375 Greenwich Rd., Homerville, OH 44235. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. *Rough iron or steel forgings and bands and wheels,* between the facilities of Welded Ring Products Company, in Cuyahoga County, OH, on the one hand, and, on the other, Muscle Shoals, AL; Gardenia, CA; Lodi, CA; East Hartford, CN; Hartford, CN; Chicago, IL; Erie PA; Philadelphia, PA ; Warren, PA; Houston, TX; Salem, VA; and Weirton, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Welded Ring Products Company, 2180 W. 114th St., Cleveland, OH 44102. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

MC 146071 (Sub-8TA), filed April 19, 1979. Applicant: Deetz Trucking, Inc., P.O. Box 2, Strum, WI 54770. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. (1) *gates, corn cribs, grain bins, feed boxes, water troughs, portable augers, front-end loading attachments, and parts and attachments used in farming and agricultural industries, except machinery and commodities, which because of size or weight require special equipment,* from facilities of Sioux Steel Co., at or near Hull, IA and Lennox and Sioux Falls, SD, to points in ND, SD, MN, WI, and (2) *materials, supplies, and equipment used in the production and manufacturing of commodities described in Part (1) above,* from the destination States in Part (1) above, to the facilities of Sioux Steel Co., at or near Hull, IA, Lennox and Sioux Falls, SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sioux Steel Co.; 196½ East Sixth St., Sioux Falls, SD 57101. Send protests to: G. Daugherty, TA, ICC, Federal Bldg., 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 146101 (Sub-1TA), filed April 14, 1979. Applicant: MIDSTATES REFRIGERATED EXPRESS, INC., P.O. Box 420, East Chicago, IL 46312. Representative: Stephen L. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Frozen foods,* between the facilities of Continental Freezers of Illinois at Chicago, IL, on the one hand, and, on the other, points in IN, MI, OH, KY, MO, KS, WI, IA, NE and those points in PA on and west of Interstate Highway 79, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Continental Freezers of Illinois, 4220 S. Kildare Blvd., Chicago, IL 60632. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-19054 6-18-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 94]

Motor Carrier Temporary Authority Applications

June 7,1979

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 146251 (Sub-2TA), filed March 21, 1979. Applicant: CLAXTON TRANSPORT, INC., Route No. 3, Box 135, Wrightsville, GA 31096. Representative: Ronald K. Kolins, c/o Suite 428, 910—17th St., N.W., Washington, D.C. 20006. *(1) Malt beverages; (2) supplies and materials used in the sale, manufacture, and distribution of malt beverages; (3) malt beverages and supplies and materials used in the sale, manufacture and distribution of malt beverages.* (1) From the plant site of Pabst Brewing Co., Pabst, GA (Houston County, GA) to points in AL, AR, GA, IA, IL, IN, KY, LA, MI, MS, OH, PA, TN, TX and WI; (2) from points in AL, AR, GA, IA, IL, IN, KY, LA, MI, MS, OH, PA, TN, TX, and WI to the plant site of Pabst Brewing Co., Pabst, GA (Houston County, GA); (3) from, to, and between the facilities of the Pabst Brewing Co. located at Pabst, GA (Houston County, GA), Newark, NJ, Peoria, IL, and Milwaukee, WI, for 180 days. Supporting shipper(s): Pabst Brewing Company, 917 W. Juneau Ave., Milwaukee, WI 53201. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 146270 (Sub-1TA), filed February 26, 1979. Applicant: WINFORD NOAH WILLIAMS, Box 578, Aberdeen, NC 28315. Representative: James E. Holshouser, Jr., Box 116, Southern Pines, NC 28387. *General commodities, except Class A and B explosives and motor vehicles, having prior or subsequent movement by rail in trailer on flatcar service; no passengers;* between Hamlet, NC and Fayetteville, NC on the one hand, and, on the other, points in Montgomery, Lee and Moore Counties, NC, for 180 days. An underlying ETA seeking 90 days authority has been filed. Glendon Pyrophyllite, Inc., Box 306, Carthage, NC 28327. J. P. Stevens & Co., Inc., P.O. Box 310, Aberdeen, NC 28315. Supporting shipper(s): Milliken & Company, P.O. Box 1097, Aberdeen, NC 28135. Trimble Corp. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 146361 (Sub-3TA), filed April 23, 1979. Applicant: WOLTER TRUCK LINES, INC., R. D. 1, Greenwood, DE 19950. Representative: Chester A. Zyblut, Esq., 1030 15th St., NW., Washington, DC 20005 *Dry fertilizer and fertilizer ingredients,* in bulk, in dump vehicles, from Hopewell, VA to points in DE, MD, NJ, PA, VA, WV and NC. Supporting shipper(s): R. R. Whipple, Allied Chemical Corporation, P.O. Box 2120, Houston, TX 77001. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 146441 (Sub-1TA), filed January 8, 1979. Applicant: VALLEY GYPSUM CO., INC., R. D. No. 1, Bath, PA 18014. Representative: Wainwright E. H. Diehl, Center & Liberty Sts., P.O. Box 301, Nazareth, PA 18064. Contract—irregular routes. *Lime pebbles.* From Strasburg, VA to Lafayette, NJ, 180 days. Supporting shipper(s): Limestone Products Corp., R.D. 1, Lime Crest Rd., Lafayette, NJ 07848. Send protests to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 146540 (Sub-1TA), filed April 2, 1979. Applicant: SUN CITY SALVAGE POOL, INC., 9605 A Carnegie Street, El Paso, TX 79925. Representative: A. M. Aguilar (same as above). *Theft recovered, wrecked or disabled authomobiles, trucks, trailers,* and *motor homes,* from all points in NM south of Interstate 40 to El Paso, TX, for 180 days. An underlying emergency temporary authority was granted seeking up to 90 days authority. Supporting shipper(s): Farm Bureau Insurance, 421 N. Water, Las Cruces, NM 88001. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 146601 (Sub-2TA), filed May 7, 1979. Applicant: POTEAT MOTOR LINES, INC., 522 12th Ave. SW, Hickory, NC 28601. Representative: Robert D. Hoagland, Esq., 1204 Cameron Brown Building, 301 S. McDowell St., Charlotte, NC 28024. *Iron and steel articles* from Baltimore, MD and Philadelphia, PA to points and places in the counties of Catawba and Yancey, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hickory Springs Mfg., Co., 2200 Main Ave. ES, Hickory, NC 28601. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 146621 (Sub-3TA), filed April 27, 1979. Applicant: EUGENE GEORGE TRUCKING SERVICE, Route 1, Box 14A, Oswego, Kansas 67356. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. *Steel buildings and machinery, equipment, materials and supplies used in the manufacture, construction, erection and installation of steel buildings,* from (1) Chetopa, KS on the one hand and on the other hand points in IA, IL, IN, MO & WI; (2) Between Waukesha, WI and points in IA, IL, IN, KS & MO; 180 days, common, irregular; SUPPORTING SHIPPER: Sonoco Buildings, Chetopa, KS.: SEND PROTESTS TO: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. Supporting shipper(s): Sonoco Buildings, P.O. Box 307, Chetopa, KS 67336. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 146630 (Sub-1TA), filed April 17, 1979. Applicant: P & R TRANSPORTATION, INC., 1424 Palmer, Laramie, WY 82070. Representative: Robert B. Karns (same address as applicant). *Log Buildings, Building Materials, Equipment and Supplies* used in the erection of log buildings, between points in Albany County, WY and points in CA, ID, WY, CO, ND, SD, NE, KS, OK, TX, WA, AR, LA, MO, MN, WI, OH, IN, IL, IA, PA, VA, FL, GA OR & MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Authentic Homes Corp., 310 Grand Avenue, Laramie, WY 82070. Send protests to: Paul A. Naughton, D/S, ICC, Rm. 105 Federal Bldg., 111 South Wolcott, Casper, WY 82601.

MC 146690 (Sub-2TA), filed March 29, 1979. Applicant: NORTHEAST TOWING, INC., 7618 Glencoe St., Phila., PA 19111. Representative: Robert M. Rubin, 690 Penn Square Bldg., Phila., PA 19107. *Trucks, trailers, new, used, unfinished, wrecked or disabled in initial and secondary movements in towaway service,* between points in Phila., PA and its commercial zone, on the one hand, and, on the other, points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NY NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, for 180 days. An underlying ETA seeks 90 days authority. International Harvester Co., 4298 Macalester St., Phila., PA 19124. Supporting shipper(s): P & H Diesel Service, 2701 E. Luzerne St., Phila., PA, Mack Trucks, Inc., P.O. Box 6311, Bridgewater, NJ 08807, Brind Leasing Corp., 3000 Hedley St., Phila., PA. Send protests to: T. M. Esposito, Trans. Asst., 101 S. 7th St., Room 620, Phila., PA 19106.

MC 146700 (Sub-1TA), filed April 2, 1979. Applicant: TRAVELERS TRANS. CO., INC., Room 8, Commonwealth Pier 5, Boston, MA 02210. Representative: J. Albert Johnson, 8 Whittier Place, Boston, MA 02114. Authority sought to operate as a contract carrier, over irregular routes, in the transportation of *frozen onion rings and fish exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with frozen onion rings.*

Between all points in Massachusetts to all points in: Connecticut; Illinois; Indiana; Iowa; Kansas; Kentucky; Michigan; Minnesota; Missouri; Nebraska; New York; Ohio; Pennsylvania; Wisconsin, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Caribou Fisheries Ltd., 159 E Main St., Gloucester, MA 01930. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 146701 (Sub-4TA), filed April 2, 1979. Applicant: WEAVER TRUCKING CO., INC., P.O. Box 45, Eton, GA 30724. Representative: Archie B. Culbreth, Suite 202–2200 Century Parkway, Atlanta, GA 30345 *Contract Carrier: irregular routes: Alumina hydrate (in bulk)* from Chatsworth, GA, to points in FL, IL, IN, MN, MO and TN, under a continuing contract(s) with North Georgia Minerals and Chemicals, Inc., Chatsworth, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): North Georgia Minerals and Chemicals, Inc., Holly St. Chatsworth, GA 30705. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., NW., RM 300, Atlanta, GA 30309.

MC 146701 (Sub-5TA), filed April 2, 1979. Applicant: WEAVER TRUCKING CO., INC., P.O. Box 45, Eton, GA 30724. Representative: Archie B. Culbreth, Suite 202–2200 Century Parkway, Atlanta, GA 30345. *Contract Carrier: irregular routes: Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), fresh or frozen, in vehicles equipped with mechanical refrigeration* from points in CO, IL, IA, KS, MN, NE, NM, ND, OK and TX, to points in AL, FL, GA, KY, NC, SC, TN, and VA, under a continuing contract(s) with Missouri Valley Foods, Inc., Omaha, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Missouri Valley Foods, Inc., 11414 West Center RD., Omaha, NE 68144. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., NW., RM 300, Atlanta, GA 30309.

MC 146730 (Sub-1TA), filed April 2, 1979. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 195, Sedalia, Missouri 65301. Representative: Charles J. Fain, FAIN & FAIN, 333 Madison Street, Jefferson City, MO 65101. *Heavy electrical switchgear, electrical transformers, portable electrical sub-stations, related protective coverings, housing, fencing material, iron and steel articles, aluminum articles, electrical substations, shelter aisle switchgear, breaker sleds, bases, switching sleds, and related installation equipment,* from facilities of Central Electric Manufacturing, at or near Fulton, MO to points in the U.S (except AK and HI) and; from points in the U.S. (except AK and HI) to the facilities of Central Electric Manufacturing at or ner Fulton, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Central Electric Manufactuing, Bus. Rt. 54 South at JCT BB, Fulton, MO 65251. Send protests to: John V. Barry DS, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 146760 (Sub-1TA), filed March 30, 1979. Applicant: GARY V. MONDUS & GARY E. HAZER, G & G EXPRESS, 318 Brunswick Ct., Streamwood, IL 60103. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Supplies for medical diagnostic machines and medical laboratory supplies,* From Elk Grove, Illinois to points and places in Wisconsin within an area bounded by Wisconsin State Route 29 on the North (including Greenbay); U.S. 51 or the west, thru Portage, WI, thence along state Route 78 South, to the Illinois-Wisconsin State line, along that state line on the South and Lake Michigan on the East. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Curtin Matheson Scientific, 1850 Greenleaf, Elk Grove Village, IL 60007. Send protests to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 146761 (Sub-1TA), filed Mar. 30, 1979. Applicant: P. J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. *Toilet Preparations,* Costume Jewelry, Sales Premiums and articles manufactured or distributed by manufacturers or distributors of toilet preparations and Costume Jewelry. *Between* the facilities of Avon Products, Inc. at Morton Grove, Glenview and Deerfield, IL, on the one hand, and, on the other, the facilities of Avon Products, Inc. at Monrovia and Pasadena, CA. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Avon Products, Inc., 6901 Golf Road, Morton Grove, IL 60053. Send protests to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 146780 (Sub-1TA), filed May 3, 1979. Applicant: MABE BROTHERS ENTERPRISES, INC., 205 Sattlewood Dr., Kernersville, NC 27284. Representative: Thomas M. Mabe, 205 Sattlewood Dr., Kernersville, NC 27284, *Contract* Carrier-Irregular Routes; (1) *Yearbooks and other printed matter* from Forsyth County, NC to points in the U.S., except AK and HI; (2) *materials and supplies used in the manufacturing, printing and assembly of yearbooks* from points in the U.S. to Forsyth Co., NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hunter Publishing Company, 2475 South Stratford Rd., Winston-Salem, NC. Send protests to: D/S Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 146790 (Sub-1TA), filed April 11, 1979. Applicant: X-TRA MILE TRUCKING COMPANY, INC., 118 S. Second St., Milwaukee, WI 53204. Representative: Joseph Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *Used household goods restricted to the transportation of shipments having prior or subsequent movement in containers* beyond the points authorized and further restricted to performance pickup and deliveries, between Milwaukee County, WI on the one hand, and, on the other, points within the State of WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Naval Administrative Command, Supply Dept., Bldg. 3200, Code 200, Great Lakes, IL 60088. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146791 (Sub-19TA), filed April 30, 1979. Applicant: G–C–F TRANSPORT COOPERATIVE ASSOCIATION, Fennimore, Wisconsin 53809. Representative: Niles Berman, 25 West Main Street, Suite 801, Madison, Wisconsin 53703. Contract carrier: irregular routes: *Liquefied petroleum gas,* in bulk, in tank trucks, from the facilities of the Mid-America Pipeline Company in Dubuque, IA to facilities of the Fennimore Cooperative Oil Company in Fennimore and Blue River, WI and of the Grant-Crawford Cooperative Oil Company in Patch Grove, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fennimore Cooperative Oil Co., Fennimore, Wisconsin 53809, and Grant-Crawford Co-op Oil Co., Fennimore, Wisconsin 53809. Send protests to: Mr. John E. Ryden, DS, ICC,

517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146810 (Sub-1TA), filed April 16, 1979. Applicant: JOHN WILLEGALLA, d.b.a. Willegalla Trucking, 1295 Elsnore Circle, Long Lake, MN 55356. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. *Contract carrier:* irregular routes: *Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment, when moving in mixed loads with malt beverages* from St. Louis, MO and La Crosse, WI to Long Lake, MN, under a continuing contract or contracts with Thorpe Distributing Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thorpe Distributing Co., Inc., 2225 Daniels Street, Long Lake, MN 55356. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 146811 (Sub-1TA), filed April 17, 1979. Applicant: PAULUIK BROS. LTD., Route 5, Thunder Bay, Ontario, Canada P7C 5M9. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minnesota 55403. *Brick, brick slices and tile* from ports of entry on the U.S.-Canadian boundary in MN to points in IL, IA, MN, ND and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thunderbird Limited, R.R. 5, Rosslyn Road, Thunder Bay, Ontario, Canada P7C 5M9. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 146821 (Sub-1TA), filed April 23, 1979. Applicant: RON BESTEMAN PRODUCE CORP., 2240 Byron Center Road, Wyoming, MI 49509. Representative: Ron Besteman, 2240 Byron Center Road, Wyoming, MI 49509. *Frozen potato products* from the plant sites of Mid-American Potato Co., at or near Grand Rapids, Lake Odessa and Martin, MI to points in the States of IL, IN, OH, PA, KY, MO, WI, NY, NJ, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mid-America Potato Co., P.O. Box 2064, Grand Rapids, MI 49501. Send protests to: C. R. flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 146830 (Sub-1TA), filed April 26, 1979. Applicant: JACK POOLE, INC., R.R. 2, Manhattan, KS 66502. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. *Insulation and Insulation Materials,* from the facilities of Owens-Corning Fibreglas at Kansas City and Pauline, KS to points and places in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fibreglas, Inc., P.O. Box 15139, Fairfax St., Kansas City, KS 66115. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Bldg., 444 SE Quincy, Topeka, KS 66683.

MC 146831 (Sub-1TA), filed April 30, 1979. Applicant: MID-CONTINENT L. P. SERVICE, INC., 3711 North Main, Great Bend, KS 67530. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. *Anhydrous Ammonia, Nitrogen Fertilizer Solutions, and Urea Liquor* in bulk, from points in OK to points in AR, CO, IA, KS, LA, MO, NE, NM, SD, TX & WY; 180 days, common, irregular; Supporting shipper: Terra Chemicals, International Inc., Sioux City, IA; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. Supporting shipper(s): Terra Chemicals, International Inc., P.O Box 1828, Sioux City, IA 51102. Send protests to: M. E. Taylor, D/S, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 146840 (Sub-2TA), filed May 7, 1979. Applicant: BOYCHUKS' TRANSPORT LTD., P.O. Box 6298, Station C, Edmonton, AB, Canada T5B 4K6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between the U.S.-Canada International Boundary line and the port of entry at Sweetgrass, MT with authority to interline traffic with other carriers at Sweetgrass, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): BN Transport, Inc., 6775 East Evans Ave., Denver, CO 80224. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146841 (Sub-1TA), filed April 20, 1979. Applicant: DESERT FREIGHT LINES, INC., 1971 East 4th Street, Suite 30, Santa Ana, CA 92704. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Brass, bronze, or copper articles and products and commodities used in the manufacture of brass, bronze or copper articles and products,* (1) from Reading, PA and points in its commercial zone as defined by the Commission to Pulaski, TN, and (2) from Reading, PA and points in its commercial zone as defined by the Commission and Pulaski, TN, to points in AZ, CA, CO, OR, TX, and WA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Reading Industries, Inc., P.O. Box 126, Reading, PA 19603. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 146859 (Sub-), filed May 14, 1979. Applicant: FRANK BREIDENBACH, Route #1, Iliff, Colorado 80736. Representative: Same. *Dry fertilizer,* from Brownson, NE (near Sidney, NE) to points in CO, KS, WY and NE, for 180 days. Underlying ETA filed seeking 90 days authority. Supporting Shipper(s): Farmland Industries, Box 671, Sterling, CO 80751. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202. Supporting shipper(s): Farmland Industries, Box 671, Sterling, CO 80751. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 146861 (Sub-1TA), filed April 23, 1979. Applicant: EDGAR A. SPIEGEL, Route 1, Neillsville, WI 54456. Representative: Bernard Spiegel, 1116 Hyland Drive, Stoughton, WI 53589. Contract carrier; irregular routes; *Exhaust mufflers, spark arrestors, intake silencers, air cleaners and related parts and equipment for those products* from points in Neillsville, Black River Falls, Mineral Point, Viroqua, Arcadia, Wautoma and Stoughton, WI to points in IA, IL, TN, SC and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nelson Muffler Div., P.O. Box 428, Stoughton, WI 53589. Send protests to: Gail Daugherty, TA, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 146970 (Sub-TA), filed April 12, 1979. Applicant: J & J GUTIERREZ, INC., P.O. Box 336, Elsa, TX 78543. Representative: Thomas F. Sedberry, Lanham, Hatchell, Sedberry & Hoffman, 801 Vaughn Building, Austin, TX 78701. *Foodstuffs,* except in bulk, from the facilities utilized by Texsun Corporation in Hidalgo and Cameron Counties, TX to points in the United States in and west of NM, CO, WY and MT. Supporting shipper(s): Texsun Corporation, P.O. Box 327, Weslaco, TX 78597. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 E. Durango St., San Antonio, TX 78206.

MC 146871 (Sub-1TA), filed April 24, 1979. Applicant: DATELINE TRANSPORTATION, INC., 2931 Powell Avenue, Nashville, TN 37204. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier:* irregular routes: *Magazines, publications and printed matter* from the facilities of Baird-Ward at or near Nashville, TN to points in and east of MN, IA, KS, OK & TX (except TN), for 180 days. Restricted against the transportation of telephone directories to AL. Supporting shipper(s): Baird-Ward, P.O. Box 539, Nashville, TN 37202. Send protests to: Glenda Kuss, T/A, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 146891 (Sub-1TA), filed April 27, 1979. Applicant: A & G EXPRESS, INC., 4807 Millbrooke Road, Albany, GA 31701. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract carrier,* irregular routes, *Paper, paper products and cellulose products (except in bulk),* from Albany, GA to points in FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Proctor & Gamble Paper Products Co., P.O. Box 599, Cincinnati, OH 45201. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 146980 (Sub-1TA), filed April 25, 1979. Applicant: HOOSIER EXPRESS, INC., P.O. Box 705, Westville, IN 46391. Representative: Donald W. Smith, Suite 945-900 Keystone Crossing, Indianapolis, IN 46240. *Contract carrier:* irregular routes: *(1) Steel and aluminum articles, (2) materials, equipment and supplies used in the manufacture and distribution of steel and aluminim articles,* between the facilities of Roll Coater, Inc. at or near Greenfield and Kingsbury, IN, on the one hand, and, on the other, points in IL, KY, MI, OH, MD, NY, PA, WI and WV for the account of Roll Coater, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roll Coater, Inc., Greenfield, IN. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 146981 (Sub-1TA), filed April 26, 1979. Applicant: M. KYLE BOWMAN, d.b.a. BOWMAN FERTILIZER SERVICE, Route 4, Rocky Mount, VA 24151. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Common—irregular* (1) *Fertilizer and fertilizer ingredients,* from Dunn, Fayetteville, Wilmington, Wilson, and Winstom Salem, NC to points in VA and WV; (2) *Feed and Flour,* from Roanoke, VA to points in NC and WV; (3) *Feed and Feed Ingredients,* from points in NC to Roanoke, VA; (4) *Lumber,* from points in Franklin County, VA to points in DE, DC, KY, MD, NC, NJ, NY, OH, PA, SC, TN, and WV; (5) *Lumber,* from points in NC and SC to points in Franklin County, VA; and (6) *Molasses, in bulk,* in tank vehicles, from Wilmington, NC to points in VA. Supporting shipper(s): International Minerals & Chemical Corp., Rocky Mount, VA 24151; Rocky Top Treating Co. Inc., N. Main St., Rocky Mount, VA 24151; Roanoke City Mills, Inc., 1702 S. Jefferson St., Roanoke, VA 24006; Big Spring Mill Inc., Elliston, VA 24087; and Ferguson Land & Lumber Company, Rocky Mount, VA 24151. Send protests to: Charles F. Myers, DS, ICC, Room 10—502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 147001 (Sub-1TA), filed April 26, 1979. Applicant: NOEL MURRAY, 229 6th Avenue N.W., Valley City, ND 58072. Representative: Charles E. Johnson, 418 East Rosser Avenue, Bismarck, ND 58501. *Contract carrier:* over irregular routes: (1) *Such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses (except frozen commodities and commodities in bulk),* from Minneapolis, MN, and its commercial zone, and Glencoe, MN to Valley City, ND, restricted to a transportation service to be performed under a continuing contract or contracts with Valley City Grocery Company, Incorporated, Valley City, ND; and (2) *Flour* (except in bulk), from Hastings, MN to points in ND, restricted to a transportation service to be performed under a continuing contract or contracts with The Peavey Company, Minneapolis, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Valley City Grocery Company, Incorporated, 617 N.W. 2nd, Valley City, ND 58072; The Peavey Company, 730 2nd Avenue South, Minneapolis, MN 55402. Send protests to: DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 147021 (Sub-1TA), filed April 25, 1979. Applicant: C. SUMMERS, INC., 112 Spruce St., Elizabethville, PA 17023. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. MEATS, packinghouse products, and commodities used by packing houses as described in Section A, B and C of Appendix I in Descriptions in 16 M.C.C. 209 and 766 (except commodities in bulk), from Elizabethville, PA, to points in DE, MD, NY, NJ, OH, PA, VA, WV and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 147030 (Sub-1TA), filed February 20, 1979. Applicant: GEORGE C. GUY d.b.a. GUY TRUCKING, Avenue, MD 20609. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier:* irregular routes: *Malt beverages,* from Newark, NJ and Williamsburg, VA, including their commercial zones, to points in St. Mary's County, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Guy Distributing Co., Inc., Leonardtown, MD 20650. Send protests to: Carol Rosen, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 147031 (Sub-1TA), filed April 25, 1979. Applicant: CLARENCE D. BISHOP, 6123 Dunn Rd., Hazelwood, MO 64042. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. (1) Mineral wool, glass wool, mineral wool and glass wool products and materials, insulated air ducts, insulating products and materials and (2) materials, supplies and equipment used in the distribution and installation of the products named in (1) above, from the facilities of Clecon, Inc., at or near St. Louis, MO to points in AR, IL, IN, IA, KS, KY, NE, OK, TN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clecon, Inc., 7526 N. Broadway, St. Louis, MO 63147. Send protests to: P. E. Binder, OC, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 147080 (Sub-1TA), filed May 7, 1979. Applicant: WADE FARMS, INC., Route 3—Box 172, Franklin, Ky. 42134. Representative: Louis J. Amato, Attorney, P.O. Box E, Bowling Green, Ky. 42101. Plastic Bottles, from the facilities of Fortune Plastics, Inc. Franklin, KY, to Cincinnati, OH, Chicago, IL, Raeford, NC, St. Louis, MO, Howell, MI, Cedar Grove, NJ, and Atlanta, GA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ms. Marilyn McMillan, Secretary, Fortune Plastics, Inc., 715 Orange St., Franklin, Ky. 42134. Send protests to: Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, Ky.

MC 147101 (Sub-1TA), filed May 17, 1979. Applicant: L D F, INC., 30 Enterprise Avenue, Secaucus, NJ 07094. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Foodstuffs, in mechanically

refrigerated equipment, from the facilities of The Nestle Company, Inc. in Charlotte, NC to points in VA and SC, and points in TN on and east of Highway 127, under a continuing contract or contracts with The Nestle Company, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nestle Company, Inc., 100 Bloomingdale Road, White Plains, NY 10605. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 147121 (Sub-1TA), filed April 30, 1979. Applicant: HUGH H. YOUNGBLOOD and JAMES R. YOUNGBLOOD, d.b.a. YOUNGBLOOD TRUCKING CO., P.O. Box 993, Branson, MO 65616. Representative: Hugh H. Youngblood, P.O. Box 993, Branson, MO 65616. *Charcoal Briquettes, Fireplace Logs, Wood Chips and Lighter Fluid* (except in bulk), from facilities of Husky Industries, Inc. at or near Branson, MO to points in OK, TX, KY, AR and NM, for 180 days. Supporting shipper: Huskey Ind. Inc., 62 Asimeter Center East, Branson, MO. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 147130 (Sub-1TA), filed April 26, 1979. Applicant: AYOTTE TRANSPORT, INC., P.O. Box 705, Goshen, NH 03752. Representative: R. Peter Decato, 23 Bank St., Lebanon, NH 03766. Lumber and wood products, from the facilities of Marlow Lumber Company at Marlow, NH, to points in CT, ME, MA, RI, and VT and to ports of entry on the U.S.-Canada International Boundary Line in NY, for the account of Marlow Lumber Company, for 180 days. Supporting shipper(s): Henry T. Ayotte d.b.a. Marlow Lumber Company, Marlow, NH 03456. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 147190 (Sub-1TA), filed April 20, 1979. Applicant: MIKE & MONICA M. MALONEY d.b.a. M & M TRUCKING, P.O. Box 333, Sheridan, MT 59749. Representative: Charles Linewebber, Ironrod Sawmill, Inc., Sheridan, MT 59749. *Pallets* from the facilities of Ironrod Sawmill located near Sheridan, MT to points in ID and WY, for 180 days. Supporting shipper(s): Ironrod Sawmill, P.O. Box 416, Sheridan, MT 59749. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 147311 (Sub-1TA), filed May 9, 1979. Applicant: T & S TRANSPORTATION, INC., 7420 Ranco Road, Post Office Box 9729, Richmond, VA 23228. Representative: William P. Jackson 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Contract carrier *Such commodities* as are dealt in or used by grocery and food business houses (except in bulk), between the facilities of Taylor & Sledd, Inc., at or near Greendale, VA and Memphis, TN, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days, restricted to the transportation of shipments under a continuing contract or contracts with Taylor & Sledd, Inc. Supporting shipper(s): Peter A. Stevens, Traffic Manager, Taylor & Sledd, Inc., 7420 Ranco Road, Post Office Box 9729, Richmond, VA 23228. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-19065 Filed 6-18-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 119
Tuesday, June 19, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Dockets 32635, 32686, 32694, 33353, 35269, 35252, 35270, 35275, 35331, 35386, 35449; Applications of World, TIA, DHL Airways, American, Braniff, Continental, Pan American, TWA, and United for transpacific exemption authority to provide scheduled combination and all-cargo air transportation to Korea and other Far East points (BIA).

3. Dockets 34127 and 34167—Application of the Flying Tiger Line, Inc. (FTL) for certificate authority to operate all-cargo service between Los Angeles/San Francisco-Toronto/Montreal via Chicago and petition for an order to show cause; and Application of Seaboard World Airlines, Inc. (Seaboard) for identical authority and motion for consolidation and convention of oral hearing (BIA, OGC, BLJ).

4. Docket 33656; Application of Kinki Nippon Tourist Co., Ltd. (Japan) d/b/a Kintetsu International Express (U.S.A.), Inc. for a foreign air carrier permit to act as a foreign tour operator (BIA).

5. Docket 34840, Travac, A.G. (Switzerland) application for an indirect foreign air carrier permit to act as a foreign tour operator (BIA, OGC, BLJ).

6. Docket 35032, Application of Colombia Airlines Ltd. for an initial foreign air carrier permit to operate charters between Canada and the U.S. using small aircraft (BIA, OGC, BLJ).

7. Docket 34563, Application of Southern Frontier Air Transport Limited (Canada) for a foreign air carrier permit (BIA, OGC, BLJ).

8. Dockets 32775 and 32776; Applications of Jet Executive International, Inc. for charter certificates; Docket 33362, *Former Large Irregular Air Service Investigation*—Discretionary review of recommended decision (OGC).

9. Dockets 34769, 35486, 35039, 35069, 34879, and 34857; Continental's, Allegheny's and Braniff's application for Denver-Washington nonstop authority; Ozark's and Western's applications for Denver-Washington and Denver-Baltimore nonstop authority; and National's application for Denver-Colorado Springs-Washington authority (Memo 8905, BDA, OGC, BLJ).

10. Docket 35242, United's petition for a show-cause order for nonstop Pittsburgh-Las Vegas authority (Memo 8903, BDA).

11. Dockets 35408 and 35537; Nashville-Knoxville Show-Cause Proceeding and application of Ozark (BDA).

12. Docket 33448—Dismissal of show-cause procedures in Order 78-10-106 (Memo 8248-G, BDA, BIA).

13. Dockets 35141 and 35292, Applications of Texas International and Continental for orders to show-cause for nonstop Tulsa-Dallas/Fort Worth authority (Memo 8906, BDA, OGC).

14. Docket 35384—National's notice of intent to terminate air service at Melbourne and in the Melbourne-Tampa nonstop markets (BDA, OCCR).

15. Docket 35356, Airwest's notice to terminate service at Santa Rosa, California (BDA).

16. Docket 35436, Hughes Airwest's notice under section 401 (j)(1) to terminate its certificate obligation at Palmdale-Lancaster, California (BDA, OCCR).

17. Docket 35642, Revised transborder excess baggage charges proposed by Canadian Pacific, DHL, Air courier, complains that the proposed charges are not cost-justified (BDA, BIA).

18. Dockets 35664, 35687 and 35743; Complaints of American, TWA and World against United's discount coupon program. Complainants contend the proposal constitutes a rebate and is unjustly discriminatory (BDA).

19. Docket 30452, Interbank Card Association, Carte Blanche Corporation and VISA U.S.A. Inc.'s Motions to Withdraw from the Universal Air Travel Plan—1976 Proceeding (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1202-79 Filed 6-15-79; 9:17 am]

BILLING CODE 6320-01-M

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FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2 p.m., June 14, 1979.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Hearing Room A.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Continuation of June 1, 1979, meeting on a matter related to civil litigation.

(2) A matter involving apparent misrepresentations to the FPC by a jurisdictional corporation.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 275-4166.

[S-1209-79 Filed 6-15-79; 10:46 am]

BILLING CODE 6450-01-M

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FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., June 21, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling, 202-377-6677.

MATTERS TO BE CONSIDERED:

Satellite Office Application—Flagler Federal Savings & Loan Association, Miami, Florida.

Limited Facility Application—Cleveland Federal Savings & Loan Association, Cleveland, Ohio.

Limited Facility Application—Fairfield Federal Savings & Loan Association of Lancaster, Lancaster, Ohio.

Branch Office Application—First Federal Savings & Loan Association of Hammonton, Hammonton, New Jersey.

Branch Office Application—Buckeye Federal Savings & Loan Association, Columbus, Ohio.

Consideration of Increased Authority of Supervisory Agents Charles P. O'Toole and Linda C. Mercurio, Federal Home Loan Band of New York.

Modification of Branch Office Resolution (Advertising of Branch Name)—First Federal Savings & Loan Association of Lincoln, Lincoln, Nebraska.

Modification of Branch Office Resolution (Advertising of Branch Name)—First Federal Savings & Loan Association of Lincoln, Lincoln, Nebraska.

Modification of Branch Office Resolution (Advertising of Branch Name)—First Federal Savings of Loan Association of York, York, Nebraska.

Application for Increase in Accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance; and Transfer of Stock—Consolidated Savings & Loan Association, Milwaukee, Wisconsin into Hopkins Savings & Loan Association, Wauwatosa, Wisconsin.

No. 248, June 14, 1979.

[S-1206-79 Filed 6-15-79; 9:46 am]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 1 p.m., June 19, 1979.

PLACE: Room 12126, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Legislative proposals.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1211-79 Filed 6-15-79; 11:41 am]

BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 11 a.m., Friday, June 22, 1979.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

[S-1207-79 Filed 6-15-79; 10:06 am]

BILLING CODE 6210-01-M

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, June 20, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of approval of Staff Report to the Federal Trade Commission on Life Insurance Cost Disclosure and adoption of Model Life Insurance Cost Disclosure Regulation.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1208-79 Filed 6-15-79; 10:18 am]

BILLING CODE 6750-01-M

7

[USITC SE-79-25]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, June 27, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Calcium pantothenate from Japan (Docket No. 579).
5. Oleoresin from India (Inv. 303-TA-10)—Briefing and vote.
6. Certain novelty glasses (Inv. 337-TA-55)—Briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1214-79 Filed 6-15-79; 1:50 pm]

BILLING CODE 7020-02-M

8

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10:30 a.m., Friday, June 22, 1979.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION: William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated: Washington, D.C., June 15, 1979.

By direction of the Board.

George A. Leet,

Associate Executive Secretary, National Labor Relations Board.

[S-1213-79 Filed 6-15-79; 12:11 pm]

BILLING CODE 7545-01-M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: June 20, 21 and 22, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Wednesday, June 20; 9:30 a.m.

1. Discussion of Task Force on NRC Safeguards Policy and Safeguards Upgrade Rule (continued from 5/3) (approximately 1 hour, closed—exemption 1).

Wednesday, June 20; 1:30 p.m.

1. Discussion of Commission Response to Emergency Requirements (approximately 2 hours, public meeting).
2. Discussion of Personnel Matter (approximately 1½ hours, closed—exemption 6).

Thursday, June 21; 10 a.m.

1. Briefing on Facts of TMI Radiological Sequence (approximately 1 hour, public meeting).
2. Briefing on Reactor Licensing Schedules (approximately 1 hour, public meeting).

Thursday, June 21; 1:30 p.m.

1. Affirmation Session (approximately 10 minutes, public meeting) (items are tentative):
   a. Physical Protection of Category II and III Material,
   b. Rancho Seco, and
   c. Seabrook Seismic Shutdown.
2. Discussion of Proposed Executive Branch Format for Analysis of Export Applications (approximately 1 hour, public meeting).
3. Discussion of International Safeguards Matters (approximately 2 hours, closed—exemption 1).

Friday, June 22; 9:30 a.m.

1. Recommendations on Operational Data Analysis and Evaluation for Nuclear Power Plants (Task Force Report) (approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee

Office of the Secretary.

[S-1203-79 Filed 6-15-79; 9:21 am]

BILLING CODE 7590-01-M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on June 25, 1979.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: June 14, 1979.

[S-1205-79 Filed 6-15-79; 9:45 am]

BILLING CODE 7600-01-M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 34022, June 13, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1 p.m. on June 19, 1979.

CHANGES IN THE MEETING: This meeting has been rescheduled for June 19, 1979, at 1:30 p.m.

Date: June 15, 1979.

[S-1204-79 Filed 6-15-79; 9:46 am]

BILLING CODE 7600-01-M

12

PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Thursday, June 28, 1979, at 9:30 a.m.

PLACE: Room 828, 320 First Street, N.W., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 20 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst, 202-724-3094.

[S-1212-Filed 6-15-79; 11:41 a.m.]

BILLING CODE 4410-01-M

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [44 FR 33549 June 11, 1979/to be published].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, June 6, 1979 and Wednesday, June 13, 1979.

CHANGES IN MEETING: Rescheduling.

The following items scheduled for consideration at a closed meeting on Wednesday, June 13, 1979, at 8 a.m. has been rescheduled for Thursday, June 14, 1979 at 11:30 a.m.:

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive action.

Settlement of administrative proceedings of an enforcement nature.

Regulatory matter bearing enforcement implications.

Chairman Williams and Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling or meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Mike Rogan at (202) 755-1638.

June 14, 1979.

[S-1210-79 6-15-79; 11:06 am]

BILLING CODE 8010-01-M

Reader Aids

Federal Register

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INFORMATION AND ASSISTANCE

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
DOT/UMTA*	MSPB/OPM		DOT/UMTA*	MSPB/OPM
DOT/FRA*	LABOR		DOT/FRA*	LABOR
CSA	HEW/FDA		CSA	HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of June 14, 1979, the Urban Mass Transportation Administration and Federal Railroad Administration, Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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federal register

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Part III—USDA/FNS:
Food Stamp and Food Distribution Programs on Indian Reservations

Part IV—HEW/NIH:
Request for Nominations for Members of NIH National Advisory Councils and Boards

Part V—EPA:
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Part VI—Justice/Prisons:
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Part II

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Bureau of Alcohol, Tobacco and Firearms

Gun Control

Published Firearms Laws of Political Subdivisions and States

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

(Notice No. 79-4)

GUN CONTROL

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Pursuant to the provisions of Section 921(a)(19), Title 18, United States Code, and Section 178.24, Title 27, Code of Federal Regulations (27 CFR, Part 178), the following is the annual revised compiled list of published ordinances of political subdivisions within the United States that are relevant to the enforcement of 18 U.S.C., Chapter 44, relating to firearms. State firearms laws are also included.

The list was developed from (a) copies of local firearms ordinances obtained through a national mail survey of political subdivisions, and (b) State firearms laws.

The Bureau applied the following criteria in deciding which firearms laws were relevant or nonrelevant to the enforcement of 18 U.S.C., Chapter 44.

RELEVANT

Firearms laws considered relevant to the enforcement of 18 U.S.C., Chapter 44, and therefore included in the accompanying list are those which:

1. Prohibit the sale, possession, or receipt of any type of firearms or ammunition, or allow any exemption to such prohibitions;
2. Prohibit the sale, possession, or receipt of any type of firearm or ammunition to or by a particular class of persons; e.g. aliens, felons, drug addicts, or mental incompetents;
3. Restrict the sale, possession, or receipt of firearms such as fully automatic firearms, short-barreled shotguns and rifles, and destructive devices; i.e. bombs, grenades, molotov cocktails, etc.,
4. Require waiting periods or notification to law enforcement officials before a weapon may be delivered to a purchaser;
5. Require a permit, license, or I.D. card before a weapon may be sold and/or delivered to a purchaser; and
6. Restrict the age at which a person may purchase a firearm or ammunition.

NOT RELEVANT

Firearms laws considered not relevant to 18 U.S.C., Chapter 44, and therefore not included in the accompanying list are those which:

1. Prohibit the carrying of weapons such as legal handguns, long-barreled rifles or shotguns, slingshots, dirks, daggers, etc. on persons or in vehicles;
2. Prohibit the discharge of weapons within city limits or on private property;
3. Require recordkeeping after sale of the firearms;
4. Require notification to local police departments of sale of firearms after the sale has been made; and
5. Require licenses for selling BB guns, slingshots, dirks, daggers, and other dangerous weapons.

This list comprises the 1979 list of published laws and implements Title 1 of the Gun Control Act of 1968 (82 Stat. 1213; 18 U.S.C., Chapter 44) and supersedes that list published on May 30, 1978 (43 FR 23201).

Signed: June 5, 1979.

G. R. DICKERSON,
Director.

BILLING CODE 4810-31-M

Alabama

State Law

Editor's Note: Title 13A becomes effective June 1, 1979, replacing the present code.

Title 13A. Criminal Code

Sec. 13A-11-57. Selling, etc., pistol or bowie knife to minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be fined not less than $50.00 nor more than $500.00.

Sec. 13A-11-58. Sale of firearms or ammunition to residents of adjoining states; purchase in adjoining states. (a) Any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state or have it deliver (sic) to his place of residence.

(b) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama may take delivery of said weapons either in the state where they were purchased or in Alabama.

Sec. 13A-11-70. Definitions. For the purposes of this division, the following terms shall have the respective meanings ascribed by this section:

(1) *Pistol.* Any firearm with a barrel less than 12 inches in length.

(2) *Crime of violence.* Any of the following crimes or an attempt to commit any of them, namely, murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

(3) *Person.* Such term includes any firm, partnership, association or corporation.

Sec. 13A-11-72. Certain persons forbidden to possess pistol. (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

Sec. 13A-11-76. Delivery to minors, habitual drunkards, etc. No person shall deliver a pistol to any person under the age of 18 or to one who he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, an habitual drunkard or of unsound mind.

Sec. 13A-11-77. Sales regulated; application for purchase. No seller shall deliver a pistol to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered or certified mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; and he shall retain the triplicate for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Sec. 13A-11-78. Dealers' licenses—Required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 13A-11-79. Same—Issuance; conditions; display; fees. The duly constituted licensing authorities of any city, town or political subdivision of this state may grant licenses in forms prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the following conditions, in addition to those specified in section 13A-11-77, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this division. The business shall be carried on only in the building designated in the license. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. No pistol shall be sold in violation of any provisions of this division, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. * * *

Sec. 13A-11-80. Loans secured by deposit, etc., of pistol prohibited; certain transfers prohibited. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this division, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this division.

Sec. 13A-11-82. Alteration of identifying marks prohibited. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 13A-11-83. Antique pistols. This division shall not apply to the purchase, possession or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

Sec. 40-12-143. Pistols, revolvers, * * * etc. Persons dealing in pistols, revolvers, maxim silencers, * * * whether principal stock in trade or not shall pay the following license tax: in cities and towns of 35,000 inhabitants and over, $150.00; and in all other places, $100.00. All persons dealing in pistols, revolvers and maxim silencers shall be required to keep a permanent record of the sale of every pistol, revolver or maxim silencer, showing the date of sale, serial number or other identification marks, manufacturer's name, caliber and type, and also the name and address of the purchaser, which record shall always be open for inspection by any peace officer of the state of Alabama or any municipality thereof. * * *

Sec. 40-12-158. Shotguns, rifles, ammunition, etc. (a) Each person dealing in shotguns, rifles of .22 calibre or over, metallic ammunition or shotgun shells shall pay a license tax * * *

Anniston

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof.

4. The provisions of sections 1-3 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6. This division shall be applicable within the corporate limits and police jurisdiction of this city and shall be construed as supplementing, in such territory, and as not in conflict with, Code of Alabama, Title 14, Sections 172 to 186.

Ardmore

Local ordinance incorporates, by reference, Alabama State Criminal Code sections.

Auburn

Sec. 15-78. Same—Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Bessemer

Sec. 15-169. Possession of pistol prohibited. (a) No person who has been convicted in this City or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or a habitual drunkard shall own a pistol or have a pistol in his possession or under his control.

Sec. 15-172. Delivery of pistol restricted. No person shall deliver a pistol to any person under the age of eighteen (18) years or to any person who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard or of unsound mind.

Sec. 15-173. Regulation of sales. (a) No seller shall deliver a pistol to the purchaser until forty-eight (48) hours shall have elapsed from the time of the application for the purchase of the pistol. When delivered, the pistol shall be securely wrapped and shall be unloaded.

(b) At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *.

(c) The seller shall, within six (6) hours after the application, sign and attach his address and forward by registered mail or personally deliver one (1) copy of the statement to the Chief of Police.

(d) This Section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Sec. 15-174. License to carry; dealer. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in Section 15-171.

Birmingham

Sec. 56-3. Delivery of pistol * * * to minor. No person shall sell give or lend to any minor any pistol * * *.

Sec. 56-11. Exceptions to provisions of chapter. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 56-12. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. (Same as State Law Definition, see Sec. 13A-11-70)

Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, any common carrier, except taxicabs, licensed as a common carrier, any person permitted by law to possess a pistol while carrying it unloaded in a secure wrapper, from the place of purchase to his home or place of business or to or from a place of repair or in moving from one place of abode or business to another.

Nonexempt person. Any person other than an exempt person.

Pistol. Any firearm with a barrel less than twelve inches in length.

Sec. 56-16. Altering, obliterating or removing names or numbers from pistols. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 56-20. Statement required of persons desiring to purchase—Filing. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 56-22. Delivery to purchaser. No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

Sec. 56-23. Gifts. The provisions of sections 56-20 to 56-22 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

Sec. 56-24. Delivery to certain persons forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

5. No seller, within the corporate limits of the City of Brighton, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. * * * This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers,

or to purchases by wholesalers or jobbers from manufacturers.

Carrville

Ordinance number 1977-10 adopts the Alabama State Law.

Citronelle

Chapter 38

Sec. 675. Definitions. As used in this chapter the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnaping or larceny or the crime of attempting to commit any of the aforesaid crimes, and the term "exempt person" shall mean a marshal, a deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms, and the term "nonexempt person" shall mean other than an exempt person.

Sec. 676. Permit to receive pistol—required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant, or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol. * * *

Sec. 682. Ex-convict not to possess pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Sec. 683. Altering, obliterating or removing names or numbers from pistols. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 687. Delivery of pistol * * * to minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as provided in section 4.

Sec. 696. Exceptions to provisions of chapter. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Daleville

Daleville has adopted the State code.

Dora

The city of Dora has adopted the language of state firearms laws, including sections 14.170 through 14.185 (Compiler's note: recodified to 13A-11-57 through 13A-11-83) shown at the beginning of the Alabama State listing in this publication.

Dothan

Sec. 10-25. State misdemeanors. All laws of the State of Alabama, in effect as of October 26, 1965, and as may be adopted or amended thereafter by the State Legislature, the violation of which constitutes a misdemeanor, are hereby adopted as laws of the city.

Eufaula

Article VI. Weapons

Sec. 16-134. Definitions. For purposes of this article the following terms shall have the meanings ascribed to them:

Crime of violence. "Crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes.

Exempt person. The term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms.

Nonexempt person. The term "nonexempt person" shall mean any person other than an exempt person.

Pistol. The term "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Sec. 16-135. Exceptions to provisions of article. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 16-136. Permit to Receive Pistol Required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Sec. 16-139. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered. * * *

(c) At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * that he has never been convicted in this state or elsewhere of a crime of violence.

Sec. 16-144. Persons convicted of crimes of violence not to possess pistol. No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Sec. 16-145. Altering, obliterating or removing names or numbers from pistols prohibited. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 16-148. Delivery of pistol * * * to minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as hereinafter provided in Section 1-14.

Falkville

Ordinance 80 states that the license on metallic ammunition, such as rifle and pistol cartridges, shall be $10.

Florence

Sec. 15-39. Same—Selling to or use by minors. It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.

Gadsden

Sec. 28-79. It shall be unlawful for any person to expose for sale, sell or give away

any pistol or firearms of like nature in which blank cartridges or a metallic cartridge, or in which powder and balls, can be used or can be exploded unless licensed by the city.

Gardendale

Ordinance 80

Section 2. Definitions. As used in this Ordinance, the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, * * *.

Section 6. Ex-Convict not to Possess Pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Section 7. Altering, Obliterating or Removing Names or Numbers from Pistols. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Section 11. Delivery of Pistol * * * to Minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as provided in Section 2 of Ordinance #13.

Headland

Article 24

Section 6. Selling Pistol or Bowie Knife to Minor. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

* * * * *

Hueytown

3. Delivery of pistol * * * to Minor. No person shall sell, give, lend or deliver any pistol * * * to any minor or to any one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict and an habitual drunkard, or of unsound mind.

10. Possession by Certain Persons Prohibited. (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

12. Gifts. The provisions of section 3 and 4 shall apply to a gift just as though the person making such gift were a seller and the person to whom such gift were made were purchaser thereof.

13. Exceptions to Provisions. The sections of this Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Kimberly

Ordinance number 14-76 adopts the Alabama State Law.

Maplesville

Ordinance 15

Section 1. Definitions. As used in this ordinance the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime" or "crime of violence" shall mean the crime of murder, robbery, manslaughter, rape, mayhem, assault with intent to murder, burglary, kidnapping, larceny, or the crime of attempting to commit any of the aforesaid crimes; the term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, policeman or other authorized law enforcement officer or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms; the term "non-exempt person" shall mean any person other than an exempt person.

Section 2. Permit to Receive Pistol. It shall be unlawful for any exempt or non-exempt person, or any employee, servant, or agent of any exempt or non-exempt person to sell, give, lend or deliver a pistol to any non-exempt person unless the latter has in his possession, shall deliver to the former, an unrevoked original of a permit issued by the Chief of Police of the Town of Maplesville, Alabama, authorizing him or her to receive a pistol.

Midfield

Section 5. No seller, within the corporate limits of the City of Midfield, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Montgomery

45-4. Selling or giving small pistols to minors. It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Mountain Brook

Sec. 13-1. State misdemeanors. All acts or omissions which are misdemeanors under the laws of the state are hereby declared to be offenses against the city. It shall be unlawful for any person to commit any such offense within the corporate limits of the city or its police jurisdiction.

Newville

Section 6. Selling Pistol * * * to Minor. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

Northport

Ordinance 523

1. At the time of applying for the purchase of a pistol, the purchaser shall sign a statement (contact local authorities for required contents) * * * The seller or dealer shall, within six (6) hours after such application, sign and attach his address and forward by registered or certified mail one copy of such statement to the Chief of Police of the City of Northport, Alabama.

2. No person or dealer shall deliver a pistol to the purchaser thereof until 96 hours shall have elapsed from the time of the application for the purchase thereof, * * *

Ontario

Sec. 5-10.03. Possession of firearms by minors. (a) Rifles and shotguns. It shall be unlawful for any person under the age of

eighteen (18) years to have in his possession, custody, or control any rifle or shotgun within the City unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession, custody, or control.

(b) Other weapons. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, custody, or control within the City any cannon * * * or any weapon or device designed to discharge any dangerous missile except as provided in subsection (a) of this section.

Oxford

10-140. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10-142. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

10-143. The provisions of Sections [10-140—10-142] shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

10-144. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10-145. * * *

(b) It shall be unlawful for any person to sell, give away or otherwise dispose of within the city, to minors, any * * * toy pistol, air gun, parlor rifle, or any similar weapon or thing which discharges a ball or projectile.

Ozark

Sec. 14-29. Definitions. "Pistol" as used in this article, means any firearm with barrel less than twelve (12) inches in length.

"Person", as used in this section, includes firm, partnership, association or corporation.

Sec. 14-30. Application of provisions. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 14-32. Possession of arms by persons convicted of violent crimes. No person who has been convicted in this city or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Sec. 14-34. Delivery of pistols to certain persons prohibited. No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Sec. 14-35. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered.

Sec. 14-36. Dealers to have license. No retail dealer shall sell or otherwise transfer or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided by the ordinances of the city and the laws of the state.

Sec. 14-37. Use of pistol to secure loan; unlawful transfer of pistol. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to the provisions of this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

Phenix City

Sec. 13-97. Weapons—Restrictions generally. No pawnbroker or pawnbroker's sales store shall take in pawn, receive, sell or exchange any of the following named articles, to-wit: Shotgun or rifle with barrel length of less than eighteen inches, * * *.

Sec. 13-98. Same—Pistols. No pawnbroker or pawnbroker's sales store shall sell any pistol unless and until all of the following regulations have been complied with strictly:

(a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours have elapsed from the time of the application for the purchase thereof, and when delivered the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *. The seller shall within six (6) hours after such applications, sign and attach his address and forward by registered mail one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers. [If the chief of police disapproves the sale], it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell said pistol to the prospective purchaser. * * *

(b) No pistol shall be sold by any pawnbroker or pawnbroker's sales store until the period of forty-eight (48) hours shall have elapsed after the service of the chief of police of the notice of the proposed sale.

(c) These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Prichard

1. For the purposes of this Ordinance a shotgun shall be defined as a weapon firing either single or multiple shots through a smooth bore barrel or barrels, and shall be powered by an individual cartridge or shell (whether re-fillable or not), and the firing of such shall be activated by a trigger or other mechanism, the exercise of which shall propel or fire one cartridge or shell, and not be ready for firing until another shell or cartridge shall have been placed in the breech or other firing partition, whether by hand or mechanically.

2. It shall be unlawful and an offense against the City of Prichard for any person to have in his or her possession, either actively or constructively or to allow to be or remain in any dwelling or place of business under the control of such person a shotgun as defined in Section One hereof which shall have an overall length, including barrel or barrels, breech or similar firing apparatus and stock, of less than 30 inches.

Red Level

Ordinance Two of the Town of Red Level adopts the Alabama State Law.

Satsuma

Ordinance 141

Section 1. It shall be unlawful and an offense against the City of Satsuma for any person to sell, give or deliver a pistol within the City of Satsuma, or the police jurisdiction thereof, to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, of unsound mind, a non-resident of the State of Alabama, or a person who has not resided in the State of Alabama for a period of not less than six (6) months next immediately preceding the date of such application.

Section 2. It shall be unlawful and an offense against the City of Satsuma for any person under the age of eighteen or a drug addict, an habitual drunkard, a person of un-

sound mind, or a person who has been convicted of a crime of violence to own or possess a pistol or have one under his control.

Section 3. Definitions. As used in this Ordinance the term "Pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "Crime of Violence" shall mean the crime of murder, first degree manslaughter, rape, mayhem, assault with intent to murder, robbery, burglary, kidnapping or the crime of attempting to commit any of the aforesaid crimes.

Section 4. It shall be unlawful and an offense against the City for any person within the City or its police jurisdiction to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

* * * * *

Section 7. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers, or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments. The Seller shall within six (6) hours after receiving such application, sign and attach his address thereto and file one copy of such application in the office of the chief of police of the City of Satsuma. * * *

Section 8. When a purchaser of a pistol shall be a resident of Mobile County, Alabama, no seller of a pistol shall deliver the pistol to the purchaser thereof until seven (7) days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police * * *.

Section 9. When a purchaser of a pistol shall be a resident of the State of Alabama and reside outside of Mobile County, no Seller of a pistol shall deliver the pistol to the purchaser thereof until ten (10) days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police * * *.

Section 13. It shall be unlawful for any person to purchase, attempt to purchase or to receive a pistol within the City of Satsuma, or its police jurisdiction, except in strict compliance with the provisions of Sections 1 through 12, inclusive, of this ordinance, or when the application of such person to purchase a pistol has been disapproved by the Chief of Police within the time required to elapse prior to delivery as provided in applicable provisions of Sections 8 and 9 * * *.

Section 14. It shall be unlawful for any person to sell, give or deliver a pistol to any person whose application to purchase the same has been disapproved by the Chief of police within the time required to elapse before delivery as set forth in applicable provisions of Sections 8 and 9 * * *.

Selma

Sec. 17-229. Selling, giving or lending to minor. It shall be unlawful for any person to sell, give or lend to any minor any * * * firearm * * *.

Slocomb

(State criminal laws adopted October 20, 1964.)

1. That any act which would be a criminal offense under the Laws of the State of Alabama, as set forth in the criminal code of the State of Alabama as recompiled in 1958, and as has been amended and as may be amended, is hereby adopted as the criminal code of the Town of Slocomb. * * *.

Sylacauga

Section 16-31: Required to receive: It shall be unlawful for any exempt or non-exempt person, or any employee, servant, or agent of any exempt or non-exempt person to sell, give, lend or deliver a pistol to any non-exempt person unless the latter has in his possession, and shall deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him or her to receive a pistol.

Thomasville

Chapter 37

Sec. 347 1/2. It shall be unlawful for any person to sell, give or lend to any minor, any pistol, * * * and any person violating the provisions of this section, must, on conviction, be punished as provided in Section 242 of this Code.

Ordinance 69-12

Section 1—Definitions. A. Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, and any common carrier, except taxicabs, licensed as a common carrier.

B. Nonexempt person. Any person other than an exempt person.

C. Pistol. Any firearm with a barrel less than twelve inches in length.

Section 2. Permit to receive pistol—Required. A. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him to receive a pistol.

B. It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such nonexempt person to receive a pistol.

Section 3. Same—Application; * * *

Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the Chief of Police in writing for a permit to receive a pistol.

Tuscaloosa

34-13. Definitions. For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. (Same as State Law Definition, see Sec. 13A-11-70)

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34-15. Sale or delivery to minors, drug addicts, etc., prohibited. No person shall sell, give or deliver a pistol to any person under

the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

34-16. Sale to unknown purchaser. No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34-17. * * *; Delivery to purchaser. * * * No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded.

34-20. Certain purchases and sales excepted from article. This article shall not apply to the purchase or sale of pistols as curiosities or ornaments, nor shall the same apply to purchases by licensed retailers, manufacturers, wholesalers or jobbers.

Uniontown

Sec. 99. Firearms. It shall be unlawful for any person to * * * sell, give or lend to any minor any pistol * * *.

Alaska

State Law

Alaska Stats.

Sec. 11.55.030. Possession by convicts. (a) A person who has been convicted of a felony, or assault with a dangerous weapon, burglary, robbery and like crimes, by a court in this state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, * * * or an instrument commonly considered to be a weapon.

(b) The provisions of (a) of this section do not apply to a person who has received a pardon for the prior conviction upon which this action is based or, in the case of a felony, when the final termination of the sentence, including any probationary period, was more than 10 years before the time of ownership, possession or control of a weapon as specified in (a) of this section.

Sec. 11.55.070. Possession of firearm while under influence of intoxicating liquor or drug. A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $1,000, or by imprisonment in a jail for not more than one year, or by both.

Sec. 11.55.080. Purchase of firearms in contiguous states. No resident of this state is prohibited from purchasing a rifle or shotgun in a contiguous state if he complies with the provisions of PL 90-618.

Akolmiut

Ordinance 15

Section 1. All the retail stores located in the limits of the City of Akolmiut shall not sell any firearms, ammunition or firing devices of any kind to any minor who is under 18 years of age.

Section 2. All the retail stores should have permits and license as required by the Federal Government to distribute firearms, ammunition and firing devices.

* * * * *

Section 4. No retail store manager or the clerk shall sell any firearms, ammunition or firing devices to any intoxicated person(s) or anyone who is under the influence of habit-forming drugs, or to a person of unstable mind.

Anchorage

8.05.430 Minors, sale of firearms to. It is unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles and shotguns, or any ammunition therefor, without consent of the parent or guardian of the minor.

Fairbanks

(2) No person shall exhibit, or have in his possession with intent to give away, or sell, or offer for sale, within the City of Fairbanks, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

* * * * *

(5) No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years without written permission of his parent or guardian.

Greater Anchorage Area Borough

18.05.060 Minors, Selling Firearms To; Age. It shall be unlawful without consent of parent or guardian for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles, and shotguns.

Ketchikan

9.32.060 Sale of firearms to certain minors. It is unlawful for any person to sell firearms to minors under the age of nineteen without the written consent of a parent or guardian of the minor, or for any vendor to fail to keep a record of any sale of a firearm to a minor under said age and to make the record available to inspection by any policeman on request.

Kivalina

Section 5: It shall be unlawful for teenagers under 18 to buy shells of any kind, * * *.

Kodiak

8.88.020 Minors—firearms. It shall be unlawful for any person to give, barter, sell, lease, or otherwise make available to any person under the age of eighteen (18) years, any firearm, including but not limited to pistols, rifles, and shotguns, within the City.

8.96.040 Prohibited to intoxicated persons. It is unlawful for any person under the influence of alcohol to have in his possession firearms of any type.

Metlakatla Indian Reservation

1. Definitions. As used in this Ordinance, the following terms shall have the following respective meanings: (a) Prohibited Firearm. The term "Prohibited Firearm" means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon

made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.

(b) **Machinegun.** The term "machinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapons, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(c) **Rifle.** The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(d) **Shotgun.** The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(e) **Any Other Weapon.** The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(f) **Destructive Device.** The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.

2. **Possession of Certain Firearms Prohibited.** No person shall, within the Annette Islands Reserve, own, possess or transport any Prohibited Firearm or destructive device, other than the United States of America or members of the Armed Forces thereof duly authorized to carry such a Prohibited Firearm when on duty on the Annette Islands Reserve, or the State of Alaska, or any duly appointed law enforcement officer of the United States, the Metlakatla Indian Community or the State of Alaska, when such officers are on duty; and enforcing Law and Order on Annette Islands Reserve.

4. **Exclusion.** Any person who is not subject to the jurisdiction of the Metlakatla Indian Community who violates Section 2 hereof, shall be subject to removal from the Annette Islands Reserve upon issuance of a written order of exclusion by the court, after a hearing upon reasonable notice, subject to the approval of such exclusion order by the Council. Upon the approval of such an order by the Council, the Mayor shall transmit a copy of such order to the Chief Constable or the State Enforcement Officers who shall carry out the order by removing such person as a trespasser from the Annette Islands Reserve.

5. **Interpretation.** The terms used in this ordinance are intended to prohibit the possession, ownership or transportation within the Annette Islands Reserve of any firearm which is subject to registration with the National Firearms Registration and Transfer Board pursuant to the provisions of the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. Sec. 5841, or any successor provision of Federal law. In applying the definitions set forth herein, reference shall be made to the regulations and interpretations of the Secretary of the Treasury pursuant to that Act.

Scammon Bay

Ordinance 3, 1974

Section 3. Any person own (sic) such handgun shall ask the city chief of police to take the serial number and the make of such handgun for the record or file for future security of handgun.

Seward

15-13. **Same—Sale of firearms to.** It shall be unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years any firearm, including but not limited to pistols, rifles, and shotguns, within the city.

American Samoa

Title Twenty-Three

Sec. 1. **Definitions.** As used in this chapter "arms" includes guns, rifles, pistols, * * * ammunition, shells, cartridges, gunpowder, dynamite, nitroglycerine, blasting powder, fireworks, and all other firearms and explosives and materials for the manufacture of the same.

Sec. 4. **Sale of arms.** (a) It shall be unlawful for any person to sell or in any other way transfer the right of possession of any arms without having obtained from the Treasurer a license to sell arms. The application for such license shall contain such information as may be required by the Treasurer.

(b) A license to sell arms shall not be issued by the Treasurer unless the application for the license has been approved by the Governor or his designated representative. No license shall be issued for the sale of arms other than shotguns and .22 caliber rifles and ammunition therefor.

Sec. 5. **Information required.** (a) Every person who obtains a license to possess, import, or sell arms shall, upon the written request of the Governor or his designated representative, furnish such information concerning such arms as may be reasonably required.

(b) Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported, or sold, or otherwise transferred under it.

Sec. 9. **Marking arms for identification.** Each person to whom a license to possess arms is issued shall, upon receipt of such arms, produce at the office of the Treasurer his license to possess arms, together with the

arms specified in said license. Such arms shall be examined and compared with the license and, if found to correspond therewith, shall be marked with such letters as may be designated by the Treasurer and also marked with a number indicating the order of the license, and registration as specified in the license, unless the arm has a plainly visible and distinctive serial number stamped on it. Such arms when duly marked shall be redelivered to the licensee, together with the license. If the provisions of this section are not complied with, the license shall be revoked, and the arms may be confiscated as though no license had been issued.

Sec. 10. Sales to persons without licenses. No person shall sell or otherwise transfer any arms to any person who does not hold a valid and existing license to possess the particular firearms to be sold.

Arizona

State Law

Revised Criminal Code

Sec. 13-3101. Definitions. In this chapter, unless the context otherwise requires:

1. "Deadly weapon" means anything designed for lethal use. The term includes a firearm.

2. "Deface" means to remove, alter or destroy the manufacturer's serial number.

3. "Explosive" means any dynamite, nitroglycerine, black powder or other similar explosive material including plastic explosives but does not mean or include ammunition or ammunition components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.

4. "Firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, except that it does not include a firearm in permanently inoperable condition.

5. "Prohibited possessor" means any person:

(a) Who has been found to constitute a danger to himself or to others pursuant to court order under the provisions of Sec. 36-540, and whose court ordered treatment has not been terminated by court order.

(b) Who has been convicted within or without this state of a felony involving violence or possession and use of a deadly weapon or dangerous instrument and whose civil rights have not been restored.

(c) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.

6. "Prohibited weapon" means * * * any:

(a) Explosive, incendiary or poison gas:

(i) Bomb.

(ii) Grenade.

(iii) Rocket having a propellant charge of more than four ounces.

(iv) Mine.

(b) Device designed, made or adapted to muffle the report of a firearm; or

(c) Firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(d) Rifle with a barrel length of less than sixteen inches, or shotgun with a barrel length of less than eighteen inches, or any firearm made from a rifle or shotgun which, as modified, has an overall length of less than twenty-six inches; or * * *

(f) The items as set forth in subdivisions (a), (b), (c) and (d) of this paragraph shall not include any such firearms or devices registered in the national firearms registry and transfer records of the United States treasury department or any firearm which has been classified as a curio or relic by the United States treasury department.

Sec. 13-3102. Misconduct involving weapons; defenses; classification. A. A person commits misconduct involving weapons by knowingly:

* * * * *

3. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon; or

* * * * *

5. Selling or transferring a deadly weapon to a prohibited possessor; or

6. Defacing a deadly weapon; or

7. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or

* * * * *

C. Subsection A, paragraphs 1, 2, 3, 7, 8 and 9 shall not apply to:

1. A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or

2. A member of the military forces of the United States or of any state of the United States in the performance of official duties; or

3. A person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States.

D. Subsection A, paragraphs 3 and 7 shall not apply to:

1. The possession, transporting, selling or transferring by a museum as a part of its collection or an educational institution for educational purposes or by an authorized employee of such museum or institution, if:

(a) Such museum or institution is operated by the United States or this state or a political subdivision of this state, or by an organization described in Sec. 170(C) of Title 26 of the United States Code as a recipient of a charitable contribution; and

(b) Reasonable precautions are taken with respect to theft or misuse of such material.

2. The regular and lawful transporting as merchandise; or

3. Acquisition by a person by operation of law such as by gift, devise or descent or in a fiduciary capacity as a recipient of the property or former property of an insolvent, incapacitated or deceased person.

E. Subsection A, paragraph 3, shall not apply to the merchandise of an authorized manufacturer thereof or dealer therein, when such material is intended to be manufactured, possessed, transported, sold or transferred solely for or to a dealer or a regularly constituted or appointed state or municipal police department or police officer, or a detention facility, or the military service of this or another state or the United States, or a museum or educational institution or a person specifically licensed or permitted pursuant to federal or state law.

I. Misconduct involving weapons under paragraphs 3 through 7 of subsection A is a class 6 felony.

* * * * *

Sec. 13-3106. Firearm purchase in other states. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 922, subsection (c) and the Code of Federal Regulations, volume 26, section 178.96, subsection (c).

* * * * *

Sec. 13-3108. Regulation of firearms by state. Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

Sec. 13-3109. Sale or gift of firearm to minor; classification.

A. A person who sells or gives to a minor, without written consent of the minor's parent or legal guardian, a firearm, ammunition or

toy pistol by which dangerous and explosive substances may be discharged, is guilty of a class 2 misdemeanor.

B. Nothing in this section shall be construed to require reporting sales of firearms, nor shall registration of firearms or firearms sales be required.

COMPILER'S NOTE:

Several cities share the following language prohibiting sales to minors (*Buckeye, Casa Grande, Clarkdale, Coconino, Elmirage, Globe, Goodyear, Kearney, Payson, Somerton, South Tuscon, Springerville, and Youngtown*):

Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Several other cities share slightly different language prohibiting sales to minors (*Gila Bend, Guadalupe, Hayden, Page, Pima, Safford, Show Low, and Surprise*):

Sale of Weapons to Minors. It is unlawful for any person to sell or give to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Municipalities on both lists define "weapon" as follows:

"Weapon", as used in this section means anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term "weapon" includes a firearm which is not loaded or lacks a clip or other component to render it immediately operable, and components which can readily be assembled into a weapon.

Bisbee

6-4-5. Registration of dealers required: Every person who deals in arms, ammunition and explosives, or either of them, shall register as such dealer in a book for that purpose kept by the Chief of Police. In said book he shall write his name, his business or occupation and the address of his place of business.

Phoenix

Sec. 23-41. "Firearm" defined. For the purpose of the following Sections, the term "firearm" is defined as any device that expels a projectile or projectiles by means of expanding gases.

Sec. 23-43. Dealers in firearms—Registration required. Every person dealing in firearms, ammunition or explosives shall register as a dealer in a book to be kept by the Chief of Police for that purpose. * * *

Sec. 23-46.1. Unlawful to make, possess or dispose of a fire bomb; penalties; exceptions. (a) Definitions.

Disposes of—To give, give away, loan, offer, offer for sale, sell, transfer, hurl, throw, or cause to be hurled or thrown

Fire bomb—A breakable container containing a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this Section.

(b) Offenses. A person is guilty of a misdemeanor who:

(1) Possesses any of the component parts of a fire bomb with intent to wilfully and maliciously use such material, substance or device to set fire to or burn any buildings or property.

(2) Possesses, manufactures or disposes of a fire bomb.

(c) Exceptions. The provisions of Subsections (a) and (b) of this Section shall not prohibit:

(1) The authorized use or possession of any material, substance or device described in such Subsections by a member of the Armed Forces of the United States or National Guard of the State of Arizona, or by firemen, police officers or peace officers authorized by the properly constituted authorities and acting in the course of their official duties;

(2) The use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for any lawful burning;

(3) The manufacture or disposal of a fire bomb for the parties or purposes described in this Subsection.

Wickenburg

Chapter 4 Firearms

6-4-5: Registration of dealers required: Every person who deals in arms, ammunition and explosives, or either of them, shall register as such dealer in a book for that purpose kept by the Chief of Police. In said book he shall write his name, his business or occupation and the address of his place of business.

Arkansas

State Law

Arkansas Criminal Code

41-3101. Definitions. As used in this Chapter [Secs. 41-3101—41-3110], unless the context plainly requires otherwise:

* * * * *

(2) "Minor" means any person under eighteen (18) years of age.

41-3103. Firearms—Possession by certain persons prohibited. (1) No person who has been

(a) convicted of a felony; or

(b) adjudicated a mental defective; or

(c) committed involuntarily to any mental institution; shall possess or own any firearm.

(2) A determination by a jury or court that a person committed a felony shall constitute a "conviction" for purposes of subsection (1) even though the court suspended imposition of sentence or placed the defendant on probation.

(3) A determination by a jury or a court that a person committed a felony shall not constitute a "conviction" for purposes of subsection (1) if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.

COMPILER'S NOTE

It is the opinion of the Arkansas Attorney General that convicted felons who receive a full gubernatorial pardon *before* July 6, 1977, are no longer subject to a State ban on the possession of firearms To have the same effect, pardons issued *after* the date must include language specifically authorizing possession of firearms

41-3104. Criminal use of prohibited weapons. (1) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he uses, possesses, makes, repairs, sells, or otherwise deals in any bomb, machine gun, sawed-off shotgun, firearm specially made or specially adapted for silent discharge, * * * or other implement for the infliction of serious physical injury or death which serves no common lawful purpose.

(2) It is a defense to a prosecution under this section that:

(a) the person was a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his duty at the time he used or possessed the prohibited weapon; or

(b) the defendant used, possessed, made, repaired, sold, or otherwise dealt in any of the above enumerated articles under circumstances negating any likelihood that the weapon could be used unlawfully.

(3) Criminal use of prohibited weapons is a class B felony if the weapon is a bomb, machine gun, or firearm specially made or specially adapted for silent discharge. Otherwise, it is a class D felony.

41-3105. Legitimate manufacture, repair and transportation of prohibited weapons

Section 3104 [Sec. 41-3104] shall not be construed to prohibit the manufacture, repair, transportation, or sale of the weapons enumerated therein to or for authorized representatives of the armed forces or to or for the authorized representatives of any law enforcement agency.

41-3107. Possession of a defaced firearm. (1) A person commits the offense of possession of a defaced firearm if he knowingly possesses a firearm with a manufacturer's serial number, or other identification mark required by law, which has been removed, defaced, marred, covered, altered or destroyed.

(2) It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons.

(3) Possession of a defaced firearm is a class A misdemeanor.

41-3108. Criminal possession of explosives. (1) A person commits the offense of criminal possession of explosives when he sells, possesses, manufactures or transports an explosive substance or incendiary device:

(a) if he has the purpose of using that substance or device to commit an offense; or

(b) if he knows or should know that some other person intends to use that substance or device to commit an offense.

(2) Criminal possession of explosives is a class B felony.

41-3109. Furnishing a deadly weapon to a minor. (1) A person commits the offense of furnishing a deadly weapon to a minor when he sells, barters, leases, gives, rents or otherwise furnishes a firearm or other deadly weapon to a minor without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

(2) Furnishing a deadly weapon to a minor is a class A misdemeanor.

41-3157. Uniform Machine Gun Act—Definitions. "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41-3160. Offensive or aggressive purpose defined. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [Sec. 41-3164] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

41-3161. Evidence of possession or use of machine gun. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41-3162. Guns for military use may be manufactured. Nothing contained in this act [Secs. 41-3157—41-3167] shall prohibit or interfere with

1. the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

41-3163. Manufacturer to keep register of guns manufactured. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. * * *

41-3164. Guns now owned and in use to be registered. Every machine gun now in this State adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the (secretary of state), on the effective date (Feb. 26, 1935) of this act, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the (secretary of state), and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

41-3168. Tear gas—Carrying or possession a misdemeanor. Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor. Provided, it is lawful for a person to possess or carry, and use, a small container of tear gas to be used for self-defense purposes only, but the capacity of such cartridge or container shall not exceed fifty (50) cubic centimeters.

41-3169. Peace officers and banking institutions excepted from provisions of act. Provided the provisions of this act [Secs. 41-3168—41-3170] shall not apply to any peace officer while engaged in the discharge of his official duties, nor to any banking institution desiring to have possession of tear gas in any form for the purpose of securing funds in its custody from theft or robbery.

41-3174. Sale of rifles, shotguns and ammunition in this state to residents or adjacent states authorized. Hereafter, the sale of shotguns and rifles and ammunition in this State to residents of adjacent states is authorized pursuant to regulations issued by the Secretary of the Treasury under the Federal Gun Control Act of 1968 [U.S.C., tit. 18, Secs. 921-928], as the same is in effect on the effective date [March 4, 1969] of this Act.

41-3175. Residents of this state authorized to purchase rifles, shotguns or ammunition in an adjacent state. Hereafter, a resident of this State shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state; such sales are hereby expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968 [U. S. C., tit. 18, Secs. 921-928], as

the same is in effect on the effective date [March 4, 1969] of this Act.

Bearden

Ordinance 172

Section 1: Adoption of the Arkansas Criminal Code which became effective on January 1, 1976: There is hereby adopted by this City Council for the purpose of regulating the enforcement of the Criminal Laws of this State and City within Bearden City Limits that code known as the "Arkansas Criminal Code" effective January 1, 1976. * * *

Section 2: The said Arkansas Criminal Code effective January 1, 1976, is adopted in toto.

Section 3: The invalidity of any section or provision of this code shall not invalidate any other section thereof.

Section 4: All ordinances or parts thereof in force at the time of this ordinance that are inconsistent herewith are hereby repealed.

* * * * *

Danville

Section 7.16.01 Sale of certain weapons prohibited or restricted. (a) It shall be unlawful for any manufacturer, gun collector or dealer to sell any pistol at wholesale or retail, or to pledge or accept any pistol as security for a loan, except those manufacturers, collectors, or dealers who have a valid federal firearms license.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of drugs or liquor at the time of the transfer, or who is under the age of twenty-one.

(d) It shall be unlawful for any person to purchase, receive, sell, give, lease, or otherwise transfer any firearm from which the manufacturers identification mark or serial number has been removed.

(e) It shall be unlawful for any person to give, sell, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of 18 years, any firearm, or any device designated, altered or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing an explosive substance designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm without the written consent of the parent or guardian of such person.

(f) It shall be unlawful for any person to sell, barter or in any manner to furnish another person, * * * any shotgun with barrel or barrels less than 18 inches in length or any rifle with barrel or barrels less than 16 inches in length or any weapon made of a rifle or shotgun by any manner to be less than 26 inches in overall length, * * *

(g) Any person who manufacturers or causes to be manufactured, imports into this city, keeps for sale, or offers or exposes for sale any of the devices listed in the above paragraph (f) of this section shall be guilty of furnishing the device even though a transfer is not carried out.

* * * * *

Sec. 7.16.02 Possession of weapons by certain persons prohibited. (a) It shall be unlawful for any person who is a fugitive from justice, or who has been convicted of a felony, or who is a drug addict, or who is under the influence of alcohol, or any drug, to carry or have in his possession or under his control, or to have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

(b) It shall be unlawful for any person under the age of 21 to have in his possession or under his control any handgun without adult supervision and the consent in writing of a parent or guardian.

El Dorado

Sec. 23-27. Weapons; * * * bartering, etc. * * * * * Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any * * * pistol of any kind whatever, any kind of cartridges for any firearm, shall be guilty of a misdemeanor. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine * * * or by imprisonment in the city jail * * * or by both fine and imprisonment * * *.

Garland

Local ordinance 149 incorporates, by reference, the Arkansas State Criminal Code.

Hickory Ridge

Hickory Ridge local ordinance, Chapter 7.04, 7.04.01, incorporates, by reference, Arkansas State Criminal Code.

Little Rock

25.96. Pistols, sale and transfer regulated—Definitions. (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheellock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25-97. Same—License required; sales restricted. (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. Same—Possession by certain persons prohibited; permit to display; serial number; record of sales, etc. (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

* * * * *

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Mammoth Springs

7.12.01 Unlawful to carry, exchange. It shall be unlawful * * * for any firm or corpo-

ration to sell, barter, exchange or otherwise dispose of * * * instruments to be used for a weapon within the corporate limits of the city.

Morrilton

11-64. Same—Sale of weapons and ammunition. Any person who shall sell, barter or exchange or otherwise dispose of or in any manner furnish to any person * * * any kind of pistol of any kind whatever except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale in the city shall be deemed guilty of a misdemeanor.

Norphlet

The city of Norphlet has adopted the language of the State firearms laws, including sections 41-3101 through 41-3175, shown at the beginning of the Arkansas State listing in this publication.

Plumerville

Ordinance No. 17

Any person who shall sell, barter or exchange, or otherwise dispose of in any manner or furnish to any person * * * any pistol of any kind whatever except such as are used in the army or navy of the United States and known as the navy pistol, or any person who shall keep any such arms for sale in the said incorporated town shall be guilty of a misdemeanor.

Springdale

22-21. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Sulphur Springs

Ordinance 17

Section 3. That it shall be unlawful for any person to sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person, any * * * pistol of any kind whatever, except such as are known as the navy pistol, or any kind of cartridge for any pistol, or to keep any such arms or cartridges for sale.

California

State Law

Ann. Cal. Codes

Penal Code

Chapter 1.
Concealed Weapons

Sec. 12001. Definitions. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in this chapter shall apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than 12 inches in length. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

Sec. 12001.5 Manufacture, sale or possession of sawed-off shotguns not authorized. Except as provided in Section 12020, nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

Sec. 12002. Exemptions.

(a) Nothing in this chapter prohibits police officers, special police officers, peace officers, or law enforcement officers from carrying any wooden club, baton, or any equipment authorized for the enforcement of law or ordinance in any city or county.

Sec. 12020. Blackjacks, etc.; manufacture, sale or possession; concealed explosive or dagger; offense; punishment; exemptions. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any firearm which is not immediately recognizeable as a firearm, any ammunition which contains or consists of any flechette dart, any bullet containing or carrying an explosive agent, or any instrument or weapon of the kind commonly known as a * * * sawed-off shotgun, * * * or who carries concealed upon his person any explosive substance, other than fixed ammunition * * * is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison. A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) shall not apply to any of the following: (1) The manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law. * * * * *

(4) Any antique firearm. For purposes of this section the term "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition, and manufactured in or before 1898, (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(5) Tracer ammunition manufactured for use in shotguns. * * *

(d) (1) As used in this section a "sawed-off shotgun" means any firearm (including any revolver) manufactured, designed, or converted to fire shotgun ammunition having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by manufacture, alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. * * *

(3) As used in this section a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if such firearm may be fired while mounted or enclosed in such case.

(4) As used in this section a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch or similar device, designed to be or capable of being used as an aid in walking, if such firearm may be fired while mounted or enclosed therein.

(5) As used in this section, a "flechette dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with tail fins which take up five-sixteenths inch of the body.

12020.5. Advertising unlawful weapons prohibited. It shall be unlawful for any person, firm, corporation, or association, in any newspaper, magazine, circular, form letter, or open publication, published, distributed, or

circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020.

Sec. 12021. Concealable firearms; prohibited ownership or possession; offense; punishment; exceptions. (a) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense * * *.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

COMPILER'S NOTE

In the opinion of the California Attorney General: "California is not constitutionally required to recognize sister state gubernatorial or presidential pardons for purposes of section 12021. Nor is California compelled to recognize relief granted by federal authorities pursuant to 18 U.S.C. 925(c). However, under 18 U.S.C.A. 5024, states are required to recognize the expungement of a youth offender's conviction pursuant to 18 U.S.C.A. 5021. California would recognize such an expungement for purposes of section 12021."

Sec. 12070. Unlicensed business; offense. No person shall engage in the business of selling, transferring, advertising, offering, or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person unless he has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor. As used in this article, engaging in the business of selling or transferring concealable firearms does not include the infrequent sale or transfer, offering, exposing for sale, or advertising for sale any handgun at a gun show, swap meet or similar event.

As used in this section, "infrequent" means occasional and without regularity.

Sec. 12071. Retail licenses; business regulations. The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture. * * * * *

3. No pistol or revolver shall be delivered

(a) Within fifteen days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. * * * * *

Sec. 12072. Prohibited transfers; delivery of weapon; transfer to stranger; offense. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor, under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within fifteen days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

Sec. 12073. Register of sales; contents; exemptions. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as provided by this chapter, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm.

This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment, to points outside of the city or county wherein they are situated.

* * * * * *

Sec. 12078. Exemption of sales to government officers; identification; report of sale. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Department of Justice a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

Sec. 12079. Mail orders; record of order; fee. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff of the county where such person resides or maintains his principal place of business. Such record shall be substantially in the following form: [See local requirements]

* * * * * *

Sec. 12092. Assignment of number or mark. The Department of Justice upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.

* * * * * *

Sec. 12094. Unmarked firearms; purchase, sale or possession; offense. Any person with knowledge of any change, alteration, removal, or obliteration described herein, who buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification including any distinguishing number or mark assigned by the Department of Justice changed, altered, removed, or obliterated is guilty of a misdemeanor.

Sec. 12095. Sawed-off shotguns as props; manufacture, possession, transportation or use; issuance of permit, duration of permit. If it finds that it does not endanger the public safety, the Department of Justice may issue permits initially valid for a period of one year,

and renewable annually thereafter, for the manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production upon a showing that good cause exists for the issuance thereof to the applicant for such a permit. No permit shall be issued to a person who is under 18 years of age.

Chapter 2
Machine Guns

Sec. 12200. Definition. The term "machinegun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame or receiver which can only be used with such weapon. The term shall also include any combination of parts designed and intended for use in converting a weapon into a machinegun.

Sec. 12201. Exemptions. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshal's offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

Sec. 12220. Unauthorized sale, possession or transportation; punishment. Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense * * *.

Sec. 12230. Authority to issue; showing necessary. The Department of Justice may issue permits for the possession and transportation or possession or transportation of such machineguns, upon a satisfactory showing that good cause exists for the issuance thereof to the applicant for such permit but no permit shall be issued to a person who is under 18 years of age.

* * * * * *

Sec. 12250. Authority to grant license; revocation; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machineguns subject to all of the following conditions, upon breach of any of which the license shall be revoked: * * * * *

3. No machinegun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

* * * * *

Chapter 2.5
Destructive Devices

Sec. 12301. Definition. (a) The term "destructive device," as used in this chapter, shall include any of the following weapons: (1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

Sec. 12302. Exemptions. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guards, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

Sec. 12303. Possession; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense * * *.

Sec. 12303.6 Sale or transportation; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony * * *.

12304. Sale, possession or transportation of fixed ammunition; punishment; subsequent conviction. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense * * *.

Sec. 12305. Permits to conduct business; fee. Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Department of Justice. * * *

Sec. 12306. Permits; non-business purposes; fee Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Department of Justice before possessing or transporting any destructive device. * * * The department shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. * * * * *

Chapter 4
Tear Gas Weapons

Sec. 12402. Tear gas weapon. The term "tear gas weapon" as used in this chapter shall apply to and include: (a) Any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

(b) Any revolvers, pistols, fountain pen guns, billies, or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

Sec. 12403. Exemptions; peace officers. Nothing in this chapter shall prohibit any person who is a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of his duties, if such weapon has been certified as acceptable un-

der Article 5 (commencing with Section 12450) of this chapter and if such such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

12403.1 Exemptions; military and naval forces and federal law enforcement officers. Nothing in this chapter shall prohibit any member of the military and naval forces of this state or of the United States or any federal law enforcement officer from purchasing, possessing, or transporting any tear gas or tear gas weapon for official use in the discharge of his duties.

* * * * *

Sec. 12403.5 Exemptions; private investigators; private patrol operators or uniformed patrolmen employees. Notwithstanding any other provision of law, a person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code, or uniformed patrolmen employees of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of tear gas.

Sec. 12403.7. Exemptions; weapons approved for self-defense; regulations; training. (a) Notwithstanding any other provision of law, any person may purchase, possess or use tear gas and tear gas weapons for the projection or release of tear gas if such tear gas and tear gas weapons are approved by the Department of Justice and are used solely for self-defense purposes, subject to the following requirements:

(1) No person convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country shall purchase, possess, or use tear gas or tear gas weapons.

(2) No person who is addicted to any narcotic drug shall purchase, possess, or use tear gas or tear gas weapons.

(3) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(4)(i) No person shall purchase, possess or use any tear gas weapon which expels a projectile, or which expels the tear gas by any method other than an aerosol spray, or which is of a type, or size of container, other than authorized by regulation of the Department of Justice. * * *

(5)(i) No person shall purchase, possess or use any tear gas or any tear gas weapon who has not completed a course certified by the Department of Justice in the use of tear gas and tear gas weapons pursuant to which a card is issued identifying the person who has completed such a course. Such a course may be taken in any training institution certified by the Commission on Peace Officers Standards and Training to offer tear gas training. Such a training institution is authorized to charge a fee covering the actual cost of such training. * * *

(6) No person shall purchase, possess or use any tear gas or tear gas weapon if such person has not been issued a permit by the police chief or sheriff having jurisdiction over the person's place of legal residence. The police chief or sheriff shall issue a permit to any person who has completed the course of training specified in paragraph (5), and who meets the following criteria:

(i) Is not a minor.

(ii) Has not been convicted of a felony.

(iii) Is not addicted to any narcotic drug.

(iv) Has not been convicted of any crime involving assault.

(v) Has not been convicted of misuse of tear gas under paragraph (8). * * *

Sec. 12420. Sale, possession or transportation; punishment. Any person, firm, or corporation who within this state knowingly sells or offers for sale, possesses, or transports any tear gas or tear gas weapon, except as permitted under the provisions of this chapter, is guilty of a public offense * * *.

Sec. 12422. Alteration of manufacturer's name, serial number or mark. Any person who changes, alters, removes or obliterates the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon is guilty of a public offense * * *.

Possession of any such weapon upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor, has changed, altered, removed, or obliterated the same.

* * * * *

Sec. 12435. Authority to issue; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of tear gas or tear gas weapons, and to permit the installation and maintenance of protective systems involving the use of tear gas or tear gas weapons subject to all of the following conditions upon breach of any of which the license shall be subject to forfeiture: [See State statute for details]

Chapter 5
Firearm Devices

Sec. 12500. Silencer. The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

Sec. 12501. Exemptions. Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

Sec. 12520. Possession; offense; punishment. Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony * * *.

Chapter 6
Miscellaneous

Sec. 12550. Necessity of parental consent; violation; misdemeanor. No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

Violation of this section is a misdemeanor.

Sec. 12551. Sale to minors; misdemeanor. Every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

Sec. 12560. Violation; penalty. Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable by imprisonment in the state prison, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both such term of imprisonment and such fine.

Sec. 12570. Purchase in contiguous state; laws applicable. Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

Government Code

Sec. 53071. Registration and licensing of firearms; exclusive regulation by legislature. It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any

political subdivisions as defined in Section 1721 of the Labor Code.

Adelanto

Ordinance No. 18

Section 6. Purchase of Firearm and Other Weapons. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a firearm * * *.

Alameda

16-512. Maxim silencer. It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16-517. Firearms * * *—Use or possession of by minors. It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

16-521. Sale, etc., except to permit holder unlawful. It shall be unlawful for any person, firm, association or corporation to sell, lease or otherwise transfer a pistol, revolver or other firearm of a size capable of being concealed upon the person, unless the person to whom the same is sold, leased or otherwise transferred, shall first exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such weapon.

* * * * *

16-525. Article not applicable to officers or dealers receiving or transporting firearms. Nothing in this chapter shall apply to duly elected or appointed peace officers of any political subdivision of the State, or to bona fide dealers receiving or transporting unloaded pistols, revolvers and other firearms in the regular course of business.

Alameda County

4-11.0 Definition of dangerous weapon. Dangerous weapon shall mean and include: * * * * * (f) Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

4-11.1 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided in Section 4-11.2, it shall be unlawful for any person in the unincorporated territory of Alameda County to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

4-11.2 Same: exceptions. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Section 4-11.0; nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Alhambra

2642. Section One: It shall be unlawful for any person, firm or corporation to sell, exchange, give, loan or furnish to any person under eighteen years of age * * * any gun, revolver, pistol * * * or firearm of any description which discharges or propels any missile; * * * or any ammunition, cartridge or shell; or any other device containing any explosive substance designed and intended for use in any of the weapons enumerated herein.

* * * * * *

Angels

Section 1. It shall be unlawful for any person to sell, give away or dispose, to fire, shoot, discharge or explode, within the limits of the City of Angels any pistol, gun, fire-arm, cannon, anvil or any other cracker, bomb, torpedo, sky-rocket, chaser, roman candle or any other kind of fire-works, except on Public occasions, fete days or occasions of public parade, and only on such time when written permission shall first have been obtained from the Board of Trustees of the City of Angels and which permission shall fix the time and place and restrict the manner in which such public demonstration may be had.

Artesia

I. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

II. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Azusa

8.09.030. Providing dangerous weapons to minors unlawful. Except as otherwise provided for in this Chapter it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, or loaned, or in any way furnished, to any minor person under the age of eighteen years, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge or capable of discharging any dangerous missile or explosive substance. This Section shall not apply to or include any person who shall loan, give, or furnish to any minor person under the age of eighteen years any firearm or weapon or device when and only when it is so loaned, given or furnished to comply with and when such minor person under eighteen years of age actually participates in shooting at any of the designated target ranges in Section 8.09.050 or while going to and returning from such target ranges.

Baldwin Park

3508. No person shall sell at retail within the city, pistols, revolvers, or other firearms capable of being concealed upon the person without first having obtained a permit from the Chief of Police authorizing such person to make such sale * * *.

3509. The Chief of Police may issue a permit for the sale of firearms upon receiving an application in conformity with the form prescribed by the Attorney General and further in conformity with Article 4, Chapter 1, Title 2, Part 4 of the Penal Code of the State of California.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm

or corporation to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3520.1 Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in the City of Baldwin Park the giving, loaning, or furnishing to any person under the age of eighteen (18) years any articles mentioned in Sections 3520, and 3521 hereof, nor to prohibit any persons under the age of eighteen (18) years from having in his or her care, custody, or control, any article mentioned in Section 3502.2 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person, or in the event that such person is under the direct supervision and control of some adult person.

Bell

Ordinance 524

Section 2: No persons shall sell, exchange, give or loan to any person under eighteen (18) years of age any gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell or other device containing any explosive substance designed or intended for use in any weapon enumerated herein * * *.

Bellflower

Section 3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Section 3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Section 3403. Nothing in Sections 3400, 3401, and 3402 shall be deemed or construed to prohibit in said City of Bellflower the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof.

Belmont

Sec. 15-38. Sale to minors. Sale of firearms to minors. No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Beverly Hills

Sec. 3-7.02. Furnishing weapons to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol, * * * or firearm of any description to any person under the age of eighteen (18) years.

Sec. 3-7.03. Furnishing ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive or any ammunition of any description to any person under the age of eighteen (18) years.

Brisbane

Ordinance 28

Section 3. No person under eighteen (18) years of age shall purchase any of the parts, projectiles, supplies or devices set forth in Sections 1 and 2 of this Ordinance (which includes pistol, revolver, gun, rifle [of any caliber], cannon, anvil, or any other firearm) unless accompanied by his or her parent or guardian, who shall request said purchase.

Buena Park

18-14. Giving, selling, etc., of firearms to minors. No person shall give, sell or loan to any person under the age of eighteen years any firearm, * * * or ammunition.

Burbank

Sec. 20-57. License to Sell Firearms at Retail. Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Division, the purpose of this section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. * * *

Sec. 20-58. Unlawful to Sell without Prior Notice to Chief of Police. No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee.

Sec. 20-63. Sale of Ammunition to Minors. No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, B-B shot, shot or other missile designed for use in any firearm * * *.

California City

Sec. 4-7.02. Use by minors. Unless accompanied by, and under the direct care and control of, an adult person, it shall be unlawful for any person, firm, or corporation to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any gun, revolver, pistol, firearm, or device designed or intended to discharge, or capable of discharging, any dangerous missile propelled by any explosive substance or to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, any cartridge, shell, ammunition, or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol, or firearm.

Carpinteria

Chapter 6.1
Handgun Sellers' License
(Added by Ordinance 193)

Section 6610. Definition. For the purposes of this Chapter, the word "Handgun"

shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Section 6611. Purpose and Intent. The purpose and intent of this Chapter is to designate the City Clerk of the City of Carpinteria as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in this City pursuant to Title 2, Chapter 1, Article 4 of the California Penal Code.

Section 6612. Application Procedure. Application for the license to sell handguns shall be made and conducted in the following manner: Application for license effective for one year from the date of issue shall be on forms made available by the City Clerk and prescribed by the Attorney General of the State of California.

Section 6613. Application for License to Sell Handguns. Upon payment of the fees fixed therefor in Section 6616, and the obtaining of all other applicable fees and licenses, the City Clerk shall issue and renew a license to sell handguns in the form prescribed by the Attorney General of the State of California pursuant to Penal Code Section 12071 if, and only if, all the following conditions are satisfied: (a) The applicant is eighteen years of age, or over; (b) The applicant has not been convicted of any crime involving the illegal use or possession of any weapon described in Penal Code Section 3024(f) or Penal Code Section 12020; (c) The applicant has not been adjudicated a mentally incompetent person or has not been adjudicated to be a member of a class of persons subject to proceedings pursuant to the Lanterman-Petris-Short Act contained in Section 5001, et seq. of the Welfare and Institutions Code. (d) The applicant has not willfully failed to disclose any material information required in the application; (e) The applicant has not made any false statement as to any material fact in connection with the application; (f) The applicant is not in violation, at the time of issuance or renewal of the license, of any of the provisions of this Chapter, or of any conditions contained in any license to sell handguns previously issued to the applicant pursuant to this Chapter, or contained in Penal Code Section 12071; and (g) The sale of handguns at the locations specified in the application is not prohibited by any provision of the zoning laws or ordinances of the City.

Carson

Section 4302. Minors, Selling or Giving Weapons To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of 18 years, any gun, revolver, pistol, firearm, * * * or device designed to discharge, or capable of discharging, or any dangerous missile.

Section 4303. Minors, Providing Ammunition To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Section 4305. Exception To. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; * * *.

Cerritos

Ordinance 17

Section 1. * * * it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Section 2. * * * it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Section 4. Nothing in this ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof; * * *.

Chowchilla

Section 11-84. Fee Schedule for License to Sell Concealable Firearms. 1. Five dollars ($5.00) per quarter during the first year; * * *

Chula Vista

5.28.010 License required—Statutory authority applicable. No person shall engage in the business of selling or otherwise transferring, or advertise for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the chief of police, which license shall be issued in accordance with the conditions and provisions contained in Article 4, Chapter 1, Title 2, Part 4 of the Penal Code, commencing at Section 12070. There shall be no charge for the issuance of this license.

9.32.010 Conveyance of firearms to minors prohibited. No person shall sell, exchange, give or loan to any person under the age of sixteen years any * * * gun, revolver, pistol or firearm of any description * * * designed or intended to discharge any pellets, or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Clovis

4-6.07. Sale of firearms. (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, either title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold, leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person. * * * * *

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any * * * rifle, pistol, revolver, gun, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.

Commerce

9.16.010 Giving firearms to minors. Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm * * *.

9.16.020 Giving ammunition to minors. Except as otherwise provided in Section

9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

9.16.040 Exceptions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.16.010 and 9.16.020 hereof; * * *.

Compton

3603. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.

Contra Costa County

44-4.002 Firearms—Possession by minors. No minor under the age of sixteen years shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

44-4.008 Firearms—Ammunition sale to minors. No person shall sell or give to any minor under the age of sixteen years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.

Corona

4-4-1. Minors, firearms, etc., sale, etc., to. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, * * * or any ammunition therefor, * * *

Chapter 17
Retail Sale of Concealable Firearms

6-17-1: Purpose: The purpose of this Chapter 17 is to provide for the licensing of persons to engage in the business of selling by retail any pistol, revolver, or other firearm capable of being concealed upon the person, as provided for the Part 4, Title II, Chapter 1, Article 4 (commencing with Section 12070) of the California Penal Code, and hereinafter in this Chapter referred to as "Article 4".

6-17-2: Administration: The Chief of Police is hereby constituted the licensing authority for the City within the meaning of Section 12070 of Article 4, and is granted the authority to administer the provisions of this Chapter. The Chief of Police may delegate such authority to an employee or member of the City's Police Department, as he shall determine.

6-17-3: Issuance of license; fees: The Chief of Police, or his delegee, shall accept applications for, and may grant licenses permitting a person to sell at retail within the City of Corona pistols, revolvers, and other firearms capable of being concealed upon the person. If such a license is granted it shall be effective for not more than one year from the date of issuance or such shorter period of time as the Chief, or his delegee, may provide.

* * * * *

6-17-7: Exceptions: This Chapter shall not be applicable to any person who makes only those sales, as described in Section 12078 of the California Penal Code.

Cudahy

Article 4—Firearms

Sec. 3500. Providing firearms to minors. Except as otherwise provided in Section 3503 of this article, it shall be unlawful in the City for any person to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any gun, revolver, pistol, firearm, * * *.

Sec. 3501. Providing ammunition to minors. Except as otherwise provided in Section 3503 of this article, it shall be unlawful in the City for any person to sell, give, lend, or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any cartridge, shell, ammunition, or device containing any explosive substance designed, or intended to be used in or fired from any gun, revolver, pistol, or firearm.

Sec. 3503. Possession or use of firearms or ammunition by minors: Exceptions. Except as provided in Sections 3503.1, 3503.4, and 3503.5 of this article, nothing in this article shall be deemed or construed to prohibit in the City the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 of this article * * *.

Culver City

Section 36-9. Minors—Sale of Firearms to. It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description.

Cupertino

10.82.020 License required. B. Within the incorporated area of the City of Cupertino, no person shall engage in the business of selling, transferring, advertising, or exposing for sale any pistols, revolvers, or other firearms capable of being concealed upon the person, unless that person has been issued a license as provided herein.

Daly City

Sec. 16-5. Firearms, explosives, cartridge or metallic caps—Sale, exchange, etc., to minors under eighteen years of age. No person shall expose for sale, sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of eighteen years, any pistol or other firearm or any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap, whether loaded or not with ball.

* * * * *

Sec. 19-6. Firearms * * * Permit required for use. No person shall exhibit, manufacture, sell, expose for sale, set off, discharge or cause to be set off or discharged any ordnance, gun, rifle, pistol or other firearm or * * * gunpowder * * * within the city, except after a permit has been obtained from the city council.

Del Rey Oaks

Ordinance 112

2. No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Del Rey Oaks unless said person has fully complied with all of the following conditions:

a) The Seller shall hold a Federal Firearms Permit and shall meet all of the provisions of the Gun Control Act of 1968.

b) The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Del Rey Oaks. * * *

5. Private persons selling their own firearms and not engaged in the commercial sale

of the same shall be exempted from the purview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

6. The term "firearms" as used in this ordinance shall include, but not by way of limitation, handguns, rifles, shotguns, * * * and other weapons coming under the definition of firearms as defined in the Penal Code of the State of California.

Downey

4112. Weapons: Furnishing to minors. Except as otherwise provided in Section 4114 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen (18) years, any * * * gun, revolver, pistol, firearm, * * * or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4114. Exceptions. Nothing in Sections 4112 or 4113 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in said Sections, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in said Sections hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.

Duarte

9.52.060 Furnishing weapons to minors prohibited. Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

El Cajon

9.92.020 Firearms—Sale to minors. No person shall sell within the city to any minor child any * * * pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.

El Cerrito

Section 10.48.020. Firearms—Sale to minors. It is unlawful for any person to sell to any minor in the city * * * any firearm, or gun, or rifle or other gun or device discharging by the use of powder * * * except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.

El Monte

12.3. Permits required. a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

4250. Firearm. Defined. For the purposes of this Part, a firearm is defined as any object capable of discharging or projecting any missile, including but not limited to: shotgun, rifle, pistol, revolver, * * * target pistol, target gun * * * tommy gun, wham-o gun, or any other similar device for the discharging or propelling of missiles capable of inflicting injury to person or property.

4253. Same. Sale to minors prohibited. No person shall give, lend, sell, deliver, or transfer possession of any firearm to a person under the age of 16 years.

El Segundo

5.44.010 Director of Finance Licensing Authority. The director of finance is designated the duly authorized licensing authority of the city for the sale of pistols, revolvers and other firearms capable of being concealed upon the person.

The director of finance is directed to comply with the provisions of Section 12071 of the Penal Code of the state of California.

5.44.020 Application. An application shall be filed in writing with the director of finance on forms provided by the city.

5.44.030 Investigation. The director of finance shall refer each application for a permit, or renewal of such permit, to the chief of police, who, upon receipt thereof, shall conduct an appropriate investigation. Such investigation shall include, at a minumum, the following factors:

(1) The security of the premises on which the business is conducted;

(2) The criminal record or lack thereof of the applicant;

(3) Compliance with all applicable sections of United States and California law governing the sale of firearms.

The chief of police may cause the fingerprints to be taken of any person who files an application pursuant to this chapter.

5.44.040 Permit Issued—Renewed. After investigation, the director of finance may issue or renew the permit if he finds:

(1) The applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has not been convicted of a felony;

(2) The premises in which the business will be carried on provides secure protection against theft, loss or misplacement of concealable firearms, and complies with and meets all health, zoning, fire, building and safety requirements;

(3) That the applicant will comply with all applicable provisions of law concerning the sale of firearms.

Fontana

Sec. 32-11. Sale, etc., of weapons, ammunition, etc., to minors. No person shall sell, exchange, give or lend to any person under eighteen years of age any * * * gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

No portion of this section shall prohibit the giving, lending or possession of any * * *, rifle, shotgun or pistol, or any ammunition for such firearm, * * * nor prohibit the selling thereof for such purpose provided the minor has the written consent of a parent or legal guardian.

Foster City

9.88.060 Sale to minors prohibited. No person shall sell, deliver or transfer ownership to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a projectile propelled by the expansion of a gas, powder or air.

Fremont

Sec. 3-3100. Sale of Weapons to minors. Except as otherwise provided in section 3-3103 of this Code, no persons shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, * * * or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

Sec. 3-3101. Sale of ammunition to minors. Except as otherwise provided in section 3-3103 of this Code, no person shall sell,

give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

Sec. 3-3103. Prohibition does not apply to licensed hunters. Nothing in sections 3-3100, 3-3101 or 3-3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3-3100 and 3-3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3-3102 of this Code. * * *

Fullerton

3.55.010 Definition. "Seller of concealable firearms" means any person who sells or offers for sale at retail any pistols, revolvers or other firearms capable of being concealed upon the person.

3.55.015 Permit required. No person shall engage in, conduct, manage or carry on the business of seller of concealable firearms without a written permit from the chief of police. * * *

3.55.020 Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made from that fixed place of business.

Gardena

Sec. 3-3.101. Definitions. For the purposes of this article, certain words and terms used herein are defined as follows: (a) "Firearm" shall include, but not be limited to, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, spring, or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm. * * * *.*

Sec. 3-3.104. Furnishing firearms to minors. It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Glendale

Ordinance 1260

Section 1: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen (18) years.

Section 2: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive, to any person under the age of eighteen (18) years.

Ordinance 4254

Article VII. Concealable Firearms; Retail Sales. Sec. 19-80. Permit required. No person shall within the city engage in the business of selling or otherwise transferring any handgun, pistol, revolver or other firearm capable of being concealed upon the person without first having received a revocable permit from the chief of police authorizing such person to make such sales.

Sec. 19-81. Permit application and issuance. The chief of police shall issue a revocable permit for the sale of firearms described in this section * * * whenever: (a) The applicant has an established place of business within the city; and (b) The applicant is a person of good moral character and has not been convicted of any felony or misdemeanor involving the violation of any law of the State of California or ordinance of the city relating to the owning, carrying, sale, use or registration of any firearm or dangerous or deadly weapon.

Sec. 19-83. Conditions of permit, revocation. Any permit issued shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the chief of police:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered within fifteen (15) days of the application for the purchase, and in addition, the purchaser must be personally known to the seller or the purchaser must present clear evidence of his identity to the seller.

4. No pistol or revolver shall be delivered unless it is unloaded and securely wrapped.

Guadalupe

Ordinance 66

Section 2. Sale of firearms to minors. It shall be unlawful for any person to sell to any minor in the City of Guadalupe, * * * any firearm, or gun, or rifle or other gun or device discharging by the use of powder, * * * any bullet or shot of any kind, * * *.

Half Moon Bay

IX. Weapons

9.48.060 Sale to minors prohibited. No person shall sell, deliver or transfer to any person under the age of eighteen years, ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

Hawaiian Gardens

9.60.010 Sale of weapons to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city for any person, firm or corporation to sell, give, lend or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

9.60.020 Sale of ammunition to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city, for any person, firm or corporation, to sell, give, lend, or in any way furnish or to cause or permit to be held, given, lent, or in any way furnish, to any person under the age of eighteen years any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol or firearm.

9.60.040 Supervision and control of minors. Nothing in this chapter shall be deemed or construed to prohibit in said city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.60.010 and 9.60.020, * * *.

Hawthorne

Sale of Firearms and Ammunition to Minors

9.78.010 Regulations. A. Selling. No person shall sell, exchange, give or loan any cartridge, shell, ammunition or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen years.

Hayward

3-4.00 Dangerous weapon. Definition. Dangerous weapon shall mean and include: 6. Any rifle, gun, pistol, revolver, * * * or oth-

er similar instrument or device designed or intended to discharge or capable of discharging a bullet shot, or other missile of any kind.

3-4.10 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein, it shall be unlawful for any person in the City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3-4.11 Same. Exceptions. Nothing in this Article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision 6 of Section 3-4.00 * * *.

Hermosa Beach

Sec. 18-1. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device containing any explosive substance designed and intended for use in any weapon enumerated herein.

Huron

Ordinance 18

Section 2. It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description, or any cartridge, shell, or other device containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description, containing any explosive, * * * to any person under the age of eighteen (18) years.

Industry City

9.56.010 Furnishing weapons—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * * or device, designed or intended to discharge, or capable of discharging, any dangerous missile.

9.56.020 Furnishing ammunition—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.62.080 Sale of firearms—Permit required. No person shall sell at retail within the city a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the county sheriff authorizing such person to make such sale.

Inglewood

Section 5-19.1. Firearm Sale to Minor Prohibited. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any * * * gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, whether designed or intended for use in any weapons enumerated herein or not.

Irwindale

4135. Permit to Sell. No person shall sell at retail within the City a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Sheriff of Los Angeles County authorizing such person to make such sale.

4140. Weapons. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

4141. Ammunition. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm, except ordinary paper caps for toy cap guns.

4143. (Weapons. Minors.) Consent of Parent. Nothing contained in Sections 4140, 4141 or 4142 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in said sections; * * *.

Isleton

42.1. It shall be unlawful for any person, firm, co-partnership, association or corporation to sell at retail within the Town of Isleton any pistol, revolver or other firearm capable of being concealed upon the person, as such firearms are defined by the terms of Chapter 339 of the Statutes of the State of California of the year 1923, without first procuring from said Town of Isleton, a license so to do.

2-3. No pistol or revolver shall be delivered (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Lakewood

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * * or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Lakewood the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

La Mirada

9.40.010. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

9.40.020. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years (18), any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

9.40.040. Nothing in Sections 9.40.010, 9.40.020, * * * shall be deemed or construed to prohibit in the City of Mirada Hills the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.40.010 and 9.40.020 hereof; * * *.

La Puente

3.12.090 Retail sale permit—Required. No person shall sell at retail within the city, a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the County Sheriff authorizing such persons to make such sale.

* * * * *

3.12.140 Furnishing firearms to minors prohibited. Except as otherwise provided in Section 3.12.170, it shall be unlawful in the City of La Puente for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished; to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

3.12.150 Furnishing ammunition to minors prohibited. Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person, firm or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

3.12.170 Exceptions from prohibition. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3.12.140 and 3.12.150, * * *.

Lomita

Chapter 3
Weapons

Sec. 3-3.01. Minors—Furnishing weapons to prohibited. Except as otherwise provided in section 3-3.04 hereof, it shall be unlawful in the City of Lomita for any person, firm or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Sec. 3-3.02. Same—Furnishing ammunition to prohibited. Except as otherwise provided in section 3-3.04 hereof, it shall be unlawful in the City of Lomita for any person, firm or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or firearm.

Sec. 3-3.04. Same—Selling, giving, lending, possessing with consent or under supervision of parent or guardian. Nothing in this chapter shall be deemed or construed to prohibit in said City of Lomita the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of a parent or guardian of said person, any article mentioned in sections 3-3.01 and 3-3.02 hereof; * * *.

Lompoc

Sec. 10A-25. Concealable Firearms Retail Sales Licenses. (a) This section is adopted to comply with the requirements of section 12071 and related sections of the California Penal Code.

(b) Applications to sell at retail within the city, pistols, revolvers and other firearms capable of being concealed upon the person, shall be made to the City Clerk. Each application shall include a $10.00 fee. The fee is not refundable in the event the license is not issued. The City Clerk shall issue the license, after receiving the approval of the Chief of Police. * * * * *

Long Beach

4180.4—Same—Sale, gift or loan of firearms to. No person, as principal, agent or otherwise, shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

4180.5—Same—Sale, etc., of * * * ammunition to persons under eighteen years of age. No person as principal, agent or otherwise, shall sell, exchange, give or loan any * * * missile designed or intended for use in any, * * * pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description, to any person under the age of eighteen years.

Los Angeles

Los Angeles Municipal Code

Sec. 45.01 Firearms * * * Sale to minors: No person shall sell, exchange, give or loan to any person under 18 years of age any * * * gun, revolver, pistol or firearm of any description, * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

* * * * *

103.314. Sellers of concealable firearms: (a) Definition. "Seller of Concealable Firearms" shall be any person who sells or offers for sale at retail any pistols, revolvers, or other firearms capable of being concealed upon the person, including any pistol, revolver or gun which detonates or fires an explosive compound in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) Permit required. No person shall engage in, conduct, manage, or carry on the business of seller of concealable firearms without a written permit from the Board.

Los Angeles County

1567-1. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of Los Angeles County, for any person, firm, or corporation, to sell, give loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

1567-2. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of said Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

1567-4. Nothing in this ordinance shall be deemed or construed to prohibit in said Los Angeles County the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent

of the parent or guardian of such person, any article mentioned in Section 1 and 2 hereof; * * *.

Los Banos

Policy
Concealable Weapons Dealer License

I. Policy. A. The Chief of Police or his designated representative shall review each application for a License to Sell Concealable Firearms on an individual basis.

* * * * *

License Conditions

3. No pistol or revolver shall be delivered: (a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Los Gatos

Sec. 17-13. Same—Sale to minors; possession and use by minors. No person shall sell to any minor in the town under the age of sixteen years, and no person shall sell or give to any minor in the town under the age of eighteen years, without written consent of his parent or guardian, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. No such minor shall use or possess any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. * * *

Lynwood

22-38. Furnishing ammunition to persons under eighteen. Except as otherwise provided in this article, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish or to cause or permit to be sold, given, loaned or in any way furnished to any person under the age of eighteen (18) years any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

Manteca

Sec. 11-27. Retail licenses; business regulations. The duly constituted licensing authority of the City of Manteca shall accept applications for, and may grant licenses permitting the licensee to sell at retail within the City, pistols, revolvers and other firearms capable of being concealed upon the person. If a license is granted, it shall be in the form prescribed by the Attorney General, effective for not more than one (1) year from the date of issue, and be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture.

* * * * *

3. No pistol or revolver shall be delivered: (a) Within 15 days of the application for the purchase, * * * nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Montclair

Chapter 5. Weapons

Sec. 4-5.01. Definitions. For the purposes of this chapter, certain words and phrases used herein are defined as follows: (a) "Firearm" shall mean and include, but shall not be limited to, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance or spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

Sec. 4-5.04. Sales to minors. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm.

Monterey Park

9.84.010 Possession—By minor. No person shall give, sell or loan to any person under the age of eighteen years, any firearm, * * * or ammunition.

Norwalk

4302. Minors, Selling or Giving Weapons to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any gun, revolver, pistol, firearm * * *.

4303. Same, Providing Ammunition to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4305. Same, Exception to. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; * * *.

Oakland

2-2.30. Firearms and air rifles. Use or possession of by minors. It shall be unlawful for any person to sell or give to any minor in the City of Oakland under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver * * *, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; * * *.

2-2.31. Maxim silencers. It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

Oceanside

Ordinance No. 75-5

ARTICLE III. Sec. 15.38 Purpose. The purpose of this article is to set forth the procedures for the issuance and revocation of the state license to sell concealable firearms.

Sec. 15.39 Application. Any person desiring a state license to sell concealable firearms shall make written application to the license inspector, who shall refer the application to the appropriate city departments for investigation as to: (1) Security of the business premises; (2) Criminal record or lack thereof of applicant; (3) Applicant's reputation for honesty and integrity in the community.

Orange County

Sec. 5-1-29. Licenses required. It shall be unlawful for any person, firm or corporation to engage in, conduct, manage or carry on any of the following businesses, practices, professions or occupations within the unincorporated area of the County of Orange without first having obtained a license therefor in accordance with division 2 of this title: * * * * * (n) Retail sale of concealable firearms.

Sec. 5-3-240. Licensing of retail sellers of concealable weapons. The Sheriff of Orange County is hereby designated as the licensing authority for said County and is authorized to issue licenses therefor pursuant to Article 4 of Title 2 of Part 4 of the California Penal Code (commencing with Section 12070) as said Article exists or may be amended from time to time for the sale at retail of pis-

tols, revolvers and other firearms capable of being concealed upon the person.

Palmdale

Ordinance No. 258

Section 1. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 2 hereof. Any person violating this section is guilty of a misdemeanor.

Section 2. The City Clerk shall accept applications for, and may, in his discretion, grant licenses permitting the licensee to sell at retail within the City of Palmdale pistols, revolvers, and other firearms capable of being concealed upon the person. [The license] * * * shall be effective for not more than one year from the date of issue, and shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the City Clerk, shall be displayed on the premises where it can easily be seen.

(3) No pistol or revolver shall be delivered

(a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

Paramount

Sec. 30-33. Sale to minors. Except as otherwise provided in section 30-36, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

Sec. 30-34. Sale of ammunition to minors. Except as otherwise provided in section 30-36, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Sec. 30-36. Exceptions to sections 30-33 to 30-35. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 30-33 and 30-34; * * *.

Pico Rivera

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm. * * * or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Pico Rivera the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

Piedmont

12.5. Firearms, etc.—Sales or gifts to minors; use or possession by minors; exceptions. It shall be unlawful for any person to sell or give to any minor in the city, under the age of eighteen years, * * * any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; * * *.

Pittsburg

9.92.030 No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object: provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such minors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.

Placentia City

(c) It shall be unlawful to sell, give away, barter, or trade, any gun, pistol, or firearms * * * to any minor under the age of eighteen years without the written consent of the Police Department.

(d) It shall be unlawful to sell, give away, barter, or trade any ammunition, * * * used for shooting from pistols, guns or fire arms, * * * to any person under the age of eighteen years without the written consent of the Police Department.

(e) It shall be unlawful for any parent, juvenile, or any person, to transport or have shipped into the City of Placentia, any of the above-mentioned items for the use of any person under the age of eighteen years.

Pleasant Hill

Ordinance 52

Section 1. Selling or furnishing guns to persons under 18 Prohibited. It is unlawful for a person to sell, give, loan, or furnish to anyone under the age of 18 years, a gun, firearm, * * *

Section 2. Selling or furnishing ammunition to person under 18 prohibited. It is unlawful for a person to sell, give, loan, or furnish to a person under the age of 18 years, a cartridge, shell, ammunition, or device containing an explosive substance, designed or intended to be used in or fired from a gun or firearm.

* * * * *

Section 4. Exceptions. This ordinance does not apply to: (1) A person who sells or furnishes an article mentioned in Section 1 or Section 2 to a person under 18 upon the written consent of the parent or guardian; * * *.

Redding

19.19. Same—Sale of firearms thereto. It shall be unlawful to expose for sale, sell, or offer for sale, barter or exchange, to or with any minor under the age of eighteen years, any pistol or other firearm, or any instrument capable of discharging any charge of powder, or other explosives, or any cartridge loaded with ball.

Rolling Hills

Ordinance 8

Section 1: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years any gun, revolver, pistol, firearm, * * *

Section 2: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years, any cartridge, shell, ammunition or device

containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

* * * * *

Section 4: Nothing in this Ordinance shall be deemed or construed to prohibit in the City of Rolling Hills the selling, giving, loaning or furnishing to any person under the age of sixteen (16) years upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof * * *

Rosemead

Chapter V—Firearms

3500. Firearms Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3501. Ammunition Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead, for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Rosemead the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; * * *.

San Bernardino

Ordinance No 2106

Section one: No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, * * *

San Bernardino County

22.016 Purchase of Firearms. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges * * *.

San Bruno

16-6. Firearms—Sale to and possession by minors. (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Carlos

Section 5113. Sale of Certain Firearms Prohibited to Minors. No person shall sell, deliver or transfer to any person under the age of eighteen (18) years any pistol, revolver or other similar weapons capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of gas.

San Diego County

21.1201. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the Tax Collector of the County of San Diego as provided in this chapter.

21.1207. Delivery of firearms. No concealable weapon shall be delivered: (a) Within fifteen days of the application for the purchase thereof; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Dimas

9.52.010. Sale of firearms to minors prohibited; exception. Except as otherwise provided in this chapter (no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years any gun, revolver, pistol, firearm * * *.

9.52.020. Sale of ammunition to minors prohibited; exception. Except as otherwise provided in this chapter, no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.52.040. Minors exempted from prohibitions under certain conditions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 9.52.010 and 9.52.020; * * *.

San Francisco

San Francisco Police Code

Article 8

Sec. 521. Sale of Firearms and Explosive Cartridges to Minors Prohibited. It shall be unlawful for any person or persons within the limits of the City and County of San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of 17 years any pistol or other firearm or any toy pistol or imitations of any pistol or firearm, or instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or cap, whether loaded or not with ball.

Article 9

Sec. 613. Regulating Sale of Concealable Firearms. Pursuant to the Provisions of Chapter I (Sec. 12070 et seq.) Title 2, Article 4 of the Penal Code, any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any pistol, revolver, or other firearm capable of being concealed upon the person shall file an application with the Police Department on forms provided by the Police Department for a license to engage in such business and shall pay an application fee of thirty ($30.00) dollars, which fee shall not be refundable.

* * * * *

Sec. 613.4. Issuance of License. (a) The Police Department may grant a license to the applicant if it is found:

(1) That the operation as proposed, if permitted, would comply with all applicable laws including but not limited to the Penal Code of the State of California, and the Building, City Planning and Fire Codes of the City and County of San Francisco.

(2) That the applicant or an officer thereof, has not been convicted of a felony so as to disqualify the applicant or officer from owning or possessing a firearm under Section 12021 of the Penal Code.

(b) If the license is granted it shall be in a form prescribed by the Attorney General, effective for not more than one year from the date of issue, as required by Section 12071 of the Penal Code of the State of California.

Sec. 613.5. Revocation of License. For breach of any one of the following conditions, the license shall be subject to revocation:

(a) The business shall be carried on only in the building denoted in the license.

(b) The license or a copy thereof, certified by the Police Department, shall be displayed on the premises where it can easily be seen.

(c) No pistol or revolver shall be delivered:

(1) Within five days of the application for the purchase and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

* * * * *

Sec. 613.6. Delivery to Tax Collector. Upon granting said license, the Police Department shall forward said license to the Tax Collector who shall issue said license to the applicant upon the payment of one hundred ($100.00) Dollars.

* * * * *

Sec. 617. Exceptions. This section and Sections 613 to 616 inclusive, of this Article, shall not apply to wholesale dealers, in their business intercourse with transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jacinto

14-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise: * * *

(f) Any rifle, * * *, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or which is capable of discharging a bullet, shot, * * * or missile of any kind.

14-54. Same—Minors—Use, possession, discharge and sale. Except as otherwise provided in section 14-55, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished to a minor, or to allow any minor to use, possess or discharge, or for any minor to use, possess or discharge a dangerous weapon. For purposes of this article only, a minor is a person who is under the age of eighteen years.

14-55. Same—Same—Consent of parent or guardian; supervision of use, etc. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subsection (f) of section 14-51, nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined, in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

14-57. Applicability of state law. The provisions of this article shall not apply to the commission of any act which is made a public offense by any law of this state. This article is adopted to supplement the state law regulating and controlling deadly weapons as stated beginning with section 12,000 of the state Penal Code.

San Jose

4258. Selling Pistol to Minor. No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, * * * without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

San Marcos

17-50. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the City Clerk of the City of San Marcos as provided in this chapter. * * *

17-51. Records—Second Hand Weapons. If a dealer, licensed by this chapter to sell firearms, shall have offered to him for purchase or for acceptance in trade a used or second hand concealable weapon, he shall first obtain from the person offering such weapon the following information:

a) Name, address, and physical description of such person.

b) The description and license number of the vehicle, if any, being driven by such person.

c) The caliber; manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon.

d) Such other information which may be required by the Sheriff.

17-52. Delivery Of Firearms. No concealable weapon shall be delivered:

a) Within five days of the application for the purchase thereof; nor

b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

San Marino

Sec. 14.3 Firearms, ammunition, etc.—selling, etc., to minors.

1. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen years.

2. Sale, etc., of ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description, containing any explosive to any person under the age of eighteen years.

San Mateo County

3250.5. Sale of certain firearms prohibited to minors. No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

3255.0. Portions of penal code adopted. The provisions of Sections 12070–12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Section 3255.1, Sheriff's licensing authority. The Sheriff is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this article. * * *

Section 3255.2 Conditions of license. Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture; * * * c. No pistol or revolver shall be delivered

(1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

Section 3255.3. Copies of register sheet, disposition of. Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years

or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapons. Such person are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

Sand City

Ordinance 74-76

Section 1: No person shall sell, exchange, give or loan to any person under the age of 16 years any * * * gun, revolver, pistol or firearm of any description, * * * or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Section 3: No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Sand City unless said person has fully complied with all of the following conditions:

A. The Seller shall hold a Federal Firearms Permit, and shall meet all of the provisions of the Gun Control Act of 1968.

B. The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Sand City. * * *

C. The City Permit and the Federal Firearms Permit shall be displayed at the location for which it is issued in a prominent place.

Section 5: Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the purview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

Section 6: The term "firearms" as used in this ordinance shall include, not by way of limitation, handguns, rifles, shotguns, * * * and other weapons coming under the definition of firearms as defined in the Penal Code of the State of California.

Santa Barbara

9.36.090 Delivery of firearms to minors prohibited. No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.

9.36.130 Sale of ammunition to certain persons prohibited—Exception. No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.

9.36.160 Dealings without permit prohibited. No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise transferring or advertising for the sale of any firearms.

9.36.210 Duration—Grounds for revocation. * * * * *

(3) No pistol or revolver shall be delivered unless all of the following conditions are complied with: (a) within five days of the application for the purchase, (b) unless the same shall be unloaded and securely wrapped, and (c) unless the purchaser either is personally known to the seller or shall present bona fide documentary evidence of his identity;

* * * * *

9.36.220 Persons to whom permits may not be issued. In no event shall a permit required by this chapter be issued to any of the following persons:

(1) Persons who are prohibited from possessing firearms capable of being concealed upon the person under the provisions of Section 12021 of the State Penal Code;

(2) Anyone convicted of any violation of any provision of the law of the state dealing with the unlawful use of narcotic, hypnotic or dangerous drugs or under similar laws of the United States;

(3) Anyone not of good moral character;

(4) Anyone under the age of twenty-one years.

Santa Barbara County

Sec. 14B-1. Definition. For the purposes of this chapter and Chapter 22 of this Code, the word "Handgun" shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Sec. 14B-2. Purpose and Intent. The purpose and intent of this chapter is to designate the Tax Collector of the County of Santa Barbara as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in the unincorporated area of this County, pursuant to Title 2, Chapter 1, Article 4 of this California Penal Code.

Santa Clara

Sec. 18-26. Sale of weapons to minors without request of parents, etc., prohibited. It shall be unlawful within the city for any person to sell, dispose of or give to any minor under the age of eighteen (18) years any pistol * * * other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian.

Santa Fe Springs

Section 3: Firearms to minors. No person shall give, sell or loan to any person under the age of eighteen years, any gun, firearms, * * * or ammunition.

Santa Maria

Sec. 17-8. It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, * * * except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

Section 3505. Retailer's Permit for the Sale of Certain Firearms. No person shall sell at retail within the City any pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Chief of Police authorizing such person to make such sale.

Section 3509. Firearms, * * *, and other devices. Sale to Minors. No person shall sell, exchange, give, or loan to any person under 18 years of age any * * * gun, revolver, pistol, or firearm of any description * * * or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

Section 3510. Same. Possession by Minors. No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

Section 3511. Same. Exceptions. It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person un-

der the age of 18 years from having in his possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian. * * *

Seaside

5-101 Conditions for Sale of Firearms. No firearms, including hand guns, rifles, shotguns, * * * shall be offered for sale in the City of Seaside by any person or establishment holding a City business certificate and/or located in any commercially zoned property unless and until each and every of the following conditions shall have been fulfilled:

A. The seller shall keep all firearms in a secure facility satisfactory to the Chief of Police.

B. The building housing said firearms held for sale shall be adequately secured against burglary to the satisfaction of the Chief of Police.

C. The seller shall hold a written permit, renewable annually, from the Chief of Police evidencing compliance with each of the within conditions.

Selma

6-4-3: Firearms; Sale to Minors: It shall be unlawful for any person to sell or give to any minor under the age of eighteen (18) years, any revolver or pistol of any kind from or by means of which any bullet, shot or other missile of any kind may be fired or projected by means of percussion caps, cartridges or any explosive substances whatever.

South Lake Tahoe

Sec. 18-16. Use, possession, discharge, sale of dangerous weapons by minors. Except as otherwise provided in section 18-17, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this article only, a minor is a person who is under the age of eighteen years.

Sec. 18-17. Same—Exceptions. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of section 18-13; nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

South Pasadena

Sec. 18.50. Business, Professions and Trades. * * * (k) Firearms sale. "Firearms sale" means the business of selling at retail, pistols, revolvers, or other firearms capable of being concealed upon the person. The license issued hereunder shall be issued in a form prescribed by the attorney general of the state, and shall be issued in the manner and upon the conditions required by the statutes of California.

* * * * *

Sec. 18.80. Permit required for certain businesses. No person shall operate, and no license shall be issued for any of the following businesses until a permit has first been obtained therefor upon application in writing for such permit pursuant to this chapter: * * * (k) Firearms; * * *

(Editor's note: Sec. 18.60 contains license fees for specialty businesses including firearms).

Stanislaus County

(The Stanislaus County Sheriff is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the unincorporated area of Stanislaus County.)

Per Sec. 12071 of the California Penal Code:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered (a) Within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Stockton

Sec. 4-040. "Dangerous or deadly weapon", defined. "Dangerous or deadly weapon" includes, but is not limited to: * * * any firearm other than

(1) carried pursuant to a valid permit, issued by a duly authorized governmental authority, or

(2) any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

Sec. 4-041. Possession of "dangerous or deadly weapons": it shall be unlawful (to possess weapons as defined in Sec. 4-040. above).

Sec. 4-044. Sale of firearms and/or ammunition to minors: It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.

Sec. 4-045. Sale of concealed firearms: It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City of Stockton, without a license issued in the manner herein provided for.

Sec. 4-046. License to sell: The City Manager is hereby authorized to issue licenses to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person.* * * * *

Temple City

3500. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Temple City for any person, firm or corporation, to sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3501. Except as otherwise provided in Section 3503 herein it shall be unlawful in the City of Temple City, for any person, firm or corporation, to sell, give, lend, or in any way furnish or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

* * * * *

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Temple City the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; * * *.

Thousand Oaks

Sec. 3-17.06. Prohibited sales, trades, exchanges, or bartering. No person, firm, or corporation at any swap meet, whether the operator, or an exhibitor, or any other person or entity, shall sell, exchange, or display, or offer for sale or exchange or barter, at any swap meet any of the following items of personal property: * * *

(b) Any handgun, rifle, shotgun, or other type of firearm by whatever name, or any deadly weapon; * * *

Turlock

Resolution 75-156

Be it resolved that the Police Department of the City of Turlock be, and hereby is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the City of Turlock.

License Conditions * * * 3. No pistol or revolver shall be delivered (a) within fifteen (15) days of the application for the purchase, and when delivered, shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. *(Contact local authorities for application requirements)*

Union City

Ordinance 23-59

Section 1. Dangerous weapon. definition. Dangerous weapon shall mean and include: * * *f. Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

Section 2. Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein it shall be unlawful for any person in the City of Union City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

Section 3. Same: exceptions. Nothing in this Ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian or such minor, any dangerous weapon as defined in subdivision of Section 1; * * *.

Upland

576-1: Definitions: Firearms: The words "Firearm" or "Firearms" as used in this Ordinance, includes, but is not limited to: any gun, revolver, pistol, firearm, * * * or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

* * * * *

576-4: It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm or firearms as defined in Section 1 of this ordinance.

Vista

66-19 * * * * * Section 3. Selling weapons to children. No person shall sell to any minor child (age 18 and under), any * * * pistol, revolver, gun, rifle, or any other firearm or device fired or discharged by explosives within the corporate limits of this City.

Walnut

Sec. 17-20. Firearms, etc.—Persons under eighteen years of age—Furnishing to. Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol or firearm.

Sec. 17-22. Same—Same—Exceptions. Nothing in this Code shall be deemed or construed to prohibit in the city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in section 17-20; * * *.

Sec. 17-23. Same—License to sell. No person shall engage in the business of selling or otherwise transferring, or advertising for sale, or offering or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person without first having received a license from the county sheriff.

Walnut Creek

3-6.04. Sale of weapons to minors. It shall be unlawful for any person to sell to any minor under eighteen (18) years of age any * * * ammunition for any firearm, gun, rifle or other gun or device discharging by the use of powder, air or springs, except when accompanied by an authorized person over eighteen (18) years of age.

West Covina

4402. Providing minors with firearms unlawful. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other devise containing any explosive device designed and intended for use in any of the weapons enumerated herein.

Westminster

3700.8. Sale, etc. of * * * ammunition to person under eighteen years of age. No person as principal, agent or otherwise shall sell, exchange, give or lend any * * * cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol or firearm or any description, to any person under the age of eighteen (18) years of age without the consent of the parent or guardian of said minor under the age of eighteen (18) years.

Whittier

4260.12—Minors—Firearms, etc., Selling, etc., to Prohibited No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm * * *. The provisions of this Section shall not apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.

4260.12(a)—Same—Ammunition, Explosives, etc., Selling to Prohibited No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

Yreka

1. Applications for licenses permitting the licensee to sell at retail within the City of Yreka, pistols, revolvers, and other firearms capable of being concealed upon the person, shall be filed with the City Clerk of the City of Yreka. * * * * *

c. No pistol or revolver shall be delivered (I) within five (5) days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (II) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Colorado

State Law

Colo. Rev. Stat.

12-26-101. Firearms defined. As used in this article, unless the context otherwise requires:

(1)(a) "Firearms" means a pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

(b) "Firearms" does not include firearms, as defined in paragraph (a) of this subsection (1), for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

12-26-102. Retail dealers—record—inspection. Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in the book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, caliber, and finish of said pistol or revolver, together with its number and serial letter, if any; the date of the sale, rental, or exchange of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

12-27-101. Legislative declaration—nonresident. (1) It is declared by the general assembly that it is lawful for a licensed importer, licensed manufacturer, licensed dealer, or a licensed collector (licensed under the federal "Gun Control Act of 1968") whose place of business is in this state to sell or deliver a rifle or shotgun to a resident of a state contiguous to this state, subject to the following restrictions and requirements:

(a) The purchaser's state of residence must permit such sale or delivery by law.

(b) The state must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968" applicable to interstate transactions other than those at the licensee's business premises.

12-27-102. Legislative declaration—residents. (1) It is declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states:

(b) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968", applicable to interstate transactions other than at the licensee's business premises.

12-27-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "A state contiguous to this state" means any state having a common border with this state.

(2) All other terms shall be construed as such terms are defined in the federal "Gun Control Act of 1968".

12-27-104. Article does not apply—when. (1) The provisions of this article do not apply to:

(a) Transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors;

(b) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(c) A person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a state other than his state of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer if such person presents to such dealer a sworn statement:

(I) That his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other state; and

(II) Identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

18-12-101. Definitions. (1) As used in this article, unless the context otherwise requires:

* * * * *

(b) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S. 1973, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas Gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

* * * * *

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

* * * * *

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

18-12-102. Possessing an illegal weapon. (1) As used in this section, the term "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle * * * (2) A person, other than a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a class 1 misdemeanor if he knowingly possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

18-12-103. Possession of a defaced firearm. A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed.

18-12-108. Possession of weapons by previous offenders. Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in section 18-1-901(3)(h) or sections 18-12-101 to 18-12-106 commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

Akron

10-5-18 Selling Weapons to Intoxicated Persons (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Aurora

10-3-2. Sale of weapons: It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor. * * *

Bennett

Section 5 Weapons

7-5-1 Definitions. The following definitions apply to this section:
* * *

Bomb means any explosive or incendiary device or Molotov cocktail as defined in section 53-7-3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

Firearm silencer means an instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silenced, or intended to lessen or muffle the noise of the firing of any such weapon.

Gas gun means a device designed for projecting gas filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.
* * *

Machine gun means any firearm, whatever its size and usual designation that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

Short rifle means a rifle having a barrel less than sixteen (16) inches long, or an overall length of less than twenty-six (26) inches.

Short shotgun means a shotgun having a barrel or barrels less than eighteen (18) inches long or an overall length of less than twenty-six (26) inches.
* * *

7-5-2 Article not to affect duties of a peace officer The provisions of this article shall not be held to prohibit any act by a peace officer in the lawful discharge of his duties.

7-5-3 Possessing an illegal weapon As used in this section the term "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *. It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

7-5-4 Possession of a defaced firearm It shall be unlawful for any person to knowingly and unlawfully possess a firearm the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed.

Boulder

36-11 Sales, etc., to drunkards, drug addicts and minors. It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Brighton

Ordinance 741

Section 7-445. Unlawful to sell weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Sections 7-441 or 7-444 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Section 7-446. Incendiary or explosive device.

A. It shall be unlawful to throw, place or cause to be placed any incendiary or explosive device for the purpose of causing injury to any person or damage to property.

B. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or an explosive device, to possess, handle, store, transport or sell any such device, knowing the same is to be thrown, placed or caused to be placed for the purpose of causing injury to any person or damage to property.

C. An incendiary or explosive device includes, but not by way of limitaton, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

D. Except as otherwise permitted by law, it shall be unlawful for any person to possess on his person, in any motor vehicle or in any structure, an incendiary or an explosive device as defined in this Section.

Broomfield

Ordinance 15

Section 64. Unlawful to Sell Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the City of Broomfield to such person, firm or corporation.

Central City

191-9-4 Sale to Certain Persons Unlawful. It is unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Colorado Springs

8-14. Dangerous or Deadly Weapons—A. Definition: For purposes of this section, dangerous or deadly weapons shall mean: 1. Any firearm whether loaded or unloaded including any pistol, revolver, rifle, shotgun. * * * * *.

G. Selling Weapons to Intoxicated Persons or Minors It shall be unlawful for any person to purchase, sell, loan, or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen (18) years.

Commerce City

14-112. Furnishing to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Cortez

11-6-6. Unlawful to Sell Weapons to Intoxicated Persons. A. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

* * *

Creede

10-5-18. Selling weapons to intoxicated persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm to which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Creede, Colorado to such person, firm or corporation.

Dacono

Dacono Ordinance 169 adopts by reference the Colorado Criminal Code, Title 18, Articles 3 through 13, Colorado Revised Statutes, 1973, as amended; repeals all ordinances in conflict therewith; and provides penalties for violation thereof.

Denver, City and County of

845.6-2(1). Handgun. A firearm designed to be held and fired by the use of a single hand. The term 'handgun' also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms, or any firearm which comes within the definition set forth in Section 5485(a) of the United States Internal Revenue Code of 1954.

845.6-2(2). Basic Structural Component. Any or all of the following single parts (including a permanent assembly forming such single part) of a handgun: frame, barrel, cylinder, slide, and breechblock.

845.6-2(3). Antique Firearm. Any firearm, including any handgun, with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898; and any replica of any such firearm if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

845.6-3. It shall be unlawful for any secondhand dealer or pawnbroker or any other person engaged in the business of the wholesale or retail sale, rental, or exchange of handguns, to sell, rent, exchange or deliver any handgun (except an antique firearm) knowing or having reasonable cause to believe the basic structural components thereof are made (1) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or (2) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or (3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

845.7. Identification and records concerning sales, etc. 845.7-1. Every person who sells, rents, or exchanges at retail any weapon designated in Sections 845.1 (pistol, revolver, rifle, shotgun) or 845.6 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

845.8. Unlawful to sell weapons to intoxicated persons or minors. 845.8-1. It shall be unlawful for any person to sell, loan, or furnish any instrument or weapon designated in Sections 845.1 or 845.6 of this Code to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

845.10. Incendiary or explosive device. 845.10-1. For the purposes of this Section 845.10, an incendiary or explosive device shall include, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

845.10-3. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or explosive device; to possess, handle, store, transport, or sell any such device, knowing the same is to be thrown, placed, or caused to be placed for the purpose of causing injury to any person, or damage to property.

Dolores

Ordinance 271

Chapter 11, Article 3: Furnishing to intoxicated persons. Section 60. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly weapon to any drunk or intoxicated person.

Edgewater

9.92.020 Identification required Every person who sells, rents, or exchanges at retail any weapon described in Sections 9.88.010, 9.88.020 or 9.92.010 shall require the vendee, lessee, or person from whom such exchange is made, to furnish more than one type of identification before such sale, rental or exchange is consummated.

9.92.050 Sale to certain persons prohibited. It is unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon * * * to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Empire

P. Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Englewood

11-3-4: Certain sales prohibited It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of

alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation or excitability, or to any minor under the age of 18 years.

Evans

Sec. 9.60.43 Definitions. * * *

(b) "Bomb" means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

* * * * *

(g) "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

* * * * *

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

Sec. 9.60.44 Possessing an illegal weapon. (1) As used in this section, the term, "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(2) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a violation if he normally possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

Sec. 9.60.45 Possession of a defaced firearm. A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

Glendale

Sec. 10-137. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 10-141. Prohibited use of weapons. It shall be unlawful for any person to: * * * (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

Grand Junction

19-60. Furnishing to intoxicated persons. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greely

Sec. 15-47. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(b) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard commits the violation of this section if he knowingly possesses an illegal weapon.

(c) Any person convicted of violating this section shall forfeit to the city the illegal weapon involved.

Sec. 15-48. Possession of a defaced firearm. A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

Greenwood Village

Section 2. Chapter 8

2.17 Unlawful Acts. In addition to the other acts prohibited by this ordinance, it shall be unlawful:

(1) For any person other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon to knowingly possess an illegal weapon. As used herein, the term "illegal weapon" means a * * *, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, * * *, unless the context otherwise requires:

(2) "Bomb" means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(3) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(4) "Gas gun" means a device designed for projecting gas filled projectiles which release the contents after having been projected from the device and includes projectiles for use in such a device.

* * * * *

(7) "Machine gun" means any firearm, whatever size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(8) "Short rifle" means a rifle having a barrel less than sixteen inches long or overall length of less than twenty-six inches.

(9) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Johnstown

Sec. 16-131. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, (for definitions of these terms see State Law, 18-12-101.) * * *.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 16-132. Possession of a defaced firearm. It shall be unlawful for any person to knowingly and unlawfully possess a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed.

Sec. 16-135. Prohibited use of weapons. It shall be unlawful for any person to: * * * (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

Kersey

Ordinance 128

VI. Possessing an illegal weapon. 1. As used in this section the term "illegal weapon" means a * * * firearm silencer, gas gun, short shotgun, short rifle, * * *. 2. No person shall knowingly possess an illegal weapon within the town of Kersey.

Las Animas

Sec. 23-6. Sale, rental, etc., of firearms to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability. * * *

La Veta

Ordinance No 81

16. a. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or any other firearm, in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug or stimulant or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen (18) years.

Limon

2. Unlawful to Sell Weapons to Intoxicated Persons. 2.-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any gun, pistol, or other firearm in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to any minor.

Littleton

6-7-3(C) Sales of firearms to certain persons prohibited. It shall be unlawful for any person to purchase for or to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Milliken

Ordinance 118

Art. 1. Sec. 9.60.33. Using weapon in a prohibited manner. (1) A person commits a violation of this section if: * * * * * (d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug.

Monument

6-4-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Nederland

Ordinance 74

Section 2. That no person, firm, company, corporation or association shall exhibit, or have in its possession with intent to give away, or sell, or offer for sale within the Town of Nederland, any * * * gun, revolver, pistol, cap, or cartridge, or other combustible fireworks of any kind in the Town of Nederland.

Oak Creek

Ordinance 299

A-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Pueblo

9-7-11: Firearms—Dealing in, License Required; Fee, Terms (a) Firearms shall mean a pistol or revolver or other weapon of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, and the length of the barrel of which, not including any revolving detachable or magazine breech, does not exceed twelve inches.

(b) It shall be unlawful for any person to engage in the business of the retail sale, rental, or exchange of firearms, within the City, without obtaining a license therefor from the License Officer.

* * * * *

9-7-12: Same—Record Required; Contents; Hearing on Revocation; Notice (a) Every person engaged within the City in the retail sale, rental or exchange of firearms shall keep a record of such firearm sold, rented or exchanged. Such record shall be made at the time of the transaction in a book kept for that purpose [contact local authorities for required contents] * * *. Such record shall be exhibited at all times by such persons for the inspection of any law enforcement officer upon demand. Failure to keep such record or to exhibit the same as aforesaid shall constitute a breach of this Code and shall be cause for the revocation of the license herein required, by the License Officer upon hearing after notice to the holder of such license.

* * * * *

11-1-35: Firearms; Sale; etc. to Minors; Consent It shall be unlawful for any person to sell, give or loan to any minor under the age of eighteen years of age any type of firearms or ammunition whatsoever without first contacting the parent or parents or the legal guardian of such minor and obtaining from such parent or parents or the legal guardian written consent to such gift, sale, or loan; provided, however, where a minor has been emancipated by law or marriage it shall be sufficient, upon proper showing made, for the Chief of Police to authorize such sale, gift or loan.

Ridgway

Chapter X, Section 5

10-5-18 Selling Weapons to Intoxicated Persons (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

San Luis

Selling Weapons to Intoxicated Persons: (a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excit-

ability, or to any minor under the age of eighteen (18) years.

Sheridan

16-65. Furnishing to Certain Persons Prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, rifle, shotgun or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor person under the age of eighteen (18) years.

Silverthorne

10-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Silverthorne to such person, firm or corporation.

Thornton

Sec. 33-30. Unlawful sale of weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years. Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by Thornton to such person, firm or corporation.

Walsenburg

Ordinance 658

Section III: 15. Selling Weapons to Intoxicated Persons: (a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen years. (b) Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the City of Walsenburg to such person, firm or corporation.

Wiley

General Offenses

10-5-18 Selling weapons to intoxicated persons

(a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Wiley to such person, firm or corporation.

Woodland Park

VIII. Weapons

9.70.010 Definitions. For purposes of this chapter, "dangerous or deadly weapons" means:

"A. Any firearm, whether loaded or unloaded, including any pistol, revolver, rifle, shotgun, * * *

9.70.070 Selling weapons to intoxicated persons or minors. It is unlawful for any person to purchase, sell, loan or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen years.

Connecticut

State Law

Conn. General Stats. Ann.

Sec. 29-27. "Pistol" and "revolver" defined. The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

Sec. 29-28. Permit for selling or carrying pistols or revolvers. No person shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in his possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor issued as hereinafter provided. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the commissioner of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit.

* * * * *

Sec. 29-31. Display of permit to sell. * * * No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity.

* * * * *

Sec. 29-33. No sale to aliens. Application to purchase. Waiting period. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of two weeks from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom

such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

Sec. 29-34. False information. Sale to minors prohibited. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

Sec. 29-36. Altering or removing identification mark. No person shall alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name has been altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed or obliterated the same.

Sec. 29-38a. Out-of-state purchase or acquisition of rifles or shotguns. (a) For the purposes of the federal gun control act of 1968, Public Law 90-618, 18 U.S.C. 921 et seq., and any law amendatory thereof, any person resident in this state, including a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise receive delivery of a rifle or shotgun in the states of New York or Rhode Island or in the Commonwealth of Massachusetts, unless such purchase or receipt of delivery violates any applicable law of this state, any applicable law of the state in which such purchase or receipt of delivery takes place, or any applicable provision of said control act of 1968, as amended.

(b) Nothing in subsection (a) of this section shall be deemed to deprive any such resident of this state of any rights granted to such resident under title 18 U.S.C. section 922(a)(5), section 922(b)(3)(B) or section 922(b)(3)(C).

Sec. 53-202. Machine guns. (1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device. "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, sexual assault and sexual assault with a firearm, assault in the first or second degree, robbery, burglary, and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who possesses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. (8) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

Sec. 53a-211. Possession of sawed-off shotgun or silencer: Class D felony (a) A person is guilty of possession of a sawed-off shotgun or a silencer when he owns, controls or possesses any sawed-off shotgun of any caliber that has a barrel of less than eighteen inches or an overall length of less than twenty-six inches or when he owns, controls or possesses any silencer designed to muffle the noise of a firearm during discharge.

(b) The provisions of this section shall not apply to persons, firms, corporations or museums licensed or otherwise permitted by federal or state law to possess, control or own sawed-off shotguns or silencers.

(c) Possession of a sawed-off shotgun or a silencer is a class D felony.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

18-12. Firearms and ammunition; sales to children. No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.

Seymour

13-7. (Guns and Firearms)—Sale to children prohibited. It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation or association to sell or offer for sale to any person under the age of sixteen (16) years * * * any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder, or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

Windsor

Section 2. Regulation of Dangerous Weapons Where Minors Under Age 18 Are Involved. No person shall within the Town of Windsor sell, give, lend or otherwise transfer or make available to any person under the age of eighteen (18) years any firearm, airgun or other dangerous weapon * * * except where the relationship of parent and child, guardian and ward, or adult firearm instructor and pupil exists between such person and the person under eighteen (18) years of age.

Delaware

State Law

Del. Code Ann.

11 Sec. 222. General definitions. * * * * *

(4) "Dangerous instrument" means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

(5) "Deadly weapon" includes any weapon from which a shot may be discharged * * * * *

11 Sec. 1444. Possessing a destructive weapon; class D felony. A person is guilty of possessing a destructive weapon when he sells, transfers, buys, receives or has possession of a bomb, bombshell, firearm silencer, sawed-off shotgun, machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

Possessing a destructive weapon is a class D felony. This section does not apply to members of the military forces or to members of a police force in this State duly authorized to carry a weapon of the type described; nor shall the provisions contained herein apply to persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the provisions of the National Firearms Act of 1968.

The term "shotgun" as used in this section means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shot gun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger. The term "sawed-off shotgun" as used in this section means a shotgun having 1 or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

11 Sec. 1445. Unlawfully dealing with a dangerous weapon; class B misdemeanor. A person is guilty of unlawfully dealing with a dangerous weapon when:

* * * * *

(2) He sells, gives or otherwise transfers to a child under 16 years of age a firearm * * * or

(3) Being a parent, he permits his child under 16 years of age to have possession of a firearm * * * unless under the direct supervision of an adult. Unlawfully dealing with a dangerous weapon is a class B misdemeanor.

Sec. 1448. Purchase and possession of deadly weapons by certain persons prohibited; class E felony. Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any weapon during the commission of such felony or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanatorium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in this State that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant or stimulant drug as those terms were defined prior to the effective date of the Uniform Controlled Substance Act in January 1973, or of a narcotic drug or controlled substance as defined in Chapter 47 of Title 16, who purchases, owns, possesses or controls any deadly weapon is guilty of a class E felony.

24 Sec. 901. Necessity for license; exceptions. No person shall sell or expose to sale any pistol or revolver, or revolver of pistol cartridges, * * * without first having obtained a license therefor, which license shall be known as "special license to sell deadly weapons."

This section shall not apply to toy pistols, * * *

24 Sec. 902. Application and fee for license; duration. Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of Sec. 901 of this title shall apply to the Department of Administrative Services to obtain a license to conduct such business. The license shall entitle the holder thereof to conduct such business until the 1st day of June next succeeding its date.

24 Sec. 903. Sale to minors or intoxicated persons. No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of Sec. 901 of this title.

24 Sec. 904. Record; data to be recorded. Any person desiring to engage in the business described in this chapter shall keep and maintain in his place of business at all times a record. In such record, he shall enter the date of the sale, the name and address of the person purchasing any deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, the apparent age of the purchaser, and the names and addresses of at least 2 residents of the State who shall positively identify the purchaser before the sale can be made. No clerk, employee or other person associated with the seller shall act as one of the identifying residents. The record shall at all times be

open for inspection by any judge, justice of the peace, police officer, constable or other peace officer of this State.

28 Sec. 801. Definitions. (a) As used in this chapter, the term "a state contiguous to this State" shall mean any state having a common border with this State.

(b) As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C.A. Sec. 921 (the Gun Control Act of 1968), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

28 Sec. 802. Lawful acts. It shall be lawful for a person residing in this State, including a corporation or other business entity maintaining a place of business in this State, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State, subject, however, to such other laws of the State or its political subdivision as may be applicable and subject to Sec. 102 of the Gun Control Act of 1968, 18 U.S.C.A. Sec. 921 et seq.

28 Sec. 803. Not applicable to federal licensees. This chapter shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Delmar

13-2. No person shall offer for sale any gun, pistol, rifle * * * or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.

Dover

20-34. Sales to intoxicated persons and minors prohibited. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in Section 20-29(a) (revolver or pistol of any description, a shotgun or rifle) * * * to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.

Elsmere

Ordinance 108

Section 1. That fire arms means any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Section 2. That ammunition is defined as any material used in discharging any fire arm projectile discharged by any fire arm.

Section 3. It shall be unlawful for anyone within the limits of the Town of Elsmere or within the limits of the public lands vested in said Town to sell, distribute, dispense or give away any fire arms or ammunition of any character whatsoever.

Wilmington

39-19.1 Manufacture, delivery, sale or possession of certain weapons prohibited. (a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a smooth-bore shot revolver, short-barreled rifle, zip gun, converted tear gas gun, taser gun or converted starter pistol.

(b) 1. The term "smooth-bore shot revolver" as used in this section means a revolver with a smooth-bore having been reamed out so that it can be used to fire shotshell.

2. The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

3. The term "zip-gun" means any weapon or instrument not originally designed to be a firearm which has been made or altered to discharge a projectile with sufficient force to cause death or physical injury.

4. The term "converted tear gas gun" as used in this section means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.

5. The term "converted starter pistol" as used in this section means a starter pistol which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(6) The term "taser gun," as used in this section, means any battery or electrically operated stun gun or high voltage weapon that projects a dart or barb or combination of darts or barbs attached to the weapon by lengths of wire, which is designed to transmit an electrical current upon discharge and impact.

(c) Any law enforcement officer while performing his lawful duties within the City shall be exempted from the effect of this section.

39-21. Same—Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, give away, dispose of or otherwise directly or indirectly furnish, within the city, to any minor under the age of eighteen years, any gun, pistol, revolver or other firearm whatsoever.

Sec. 39-35.1. Firearms dealers—Definitions. For the purposes of section 39-35.2, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any individual, firm, association, partnership or corporation engaged in the business of selling firearms, purchasing firearms for resale or conducting a gunsmith or firearms repair business. Whenever used in any cause prescribing and imposing a penalty, the term dealer, as applied to any partnership or association, shall mean the partners or members thereof, and as applied to any corporation, shall include the officers thereof.

Firearms. Any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Sec. 39-35.2. Same—Storage and display of firearms; permits. (a) During the hours they are not regularly open for business, dealers shall store all firearms in accordance with the following requirements: * * * * * (2) All firearms must be placed in an approved safe, vault or properly secured storeroom. Any dealer may comply with the requirements of this section by providing an approved steel safe wherein any firearms may be stored and locked during nonbusiness hours.

* * * * *

(c) No dealer shall receive a permit to store firearms unless he: (1) Complies with the provisions of this section and regulations issued pursuant thereto.

District Of Columbia

D.C. Code Encyclopedia

D.C. Code Title 22

22-3201. Possession, sale, transfer, and use of dangerous weapons—Definition. "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same; namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, robbery, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3203. Unlawful possession of a pistol. No person shall own or keep a pistol, or have a pistol in his possession or under his control within the District of Columbia, if—

(1) he is a drug addict;

(2) he has been convicted in the District of Columbia or elsewhere of a felony;

(3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or

(4) he is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. * * *

22-3207. Selling pistol to minors and others. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. Transfers of firearms, regulated. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22-3209. Dealers of weapons to be licensed. No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, * * * without being licensed as provided in section 22-3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell to any person other than a licensed dealer, any pistol, machine gun, sawed-off shot gun, * * *

22-3210. Licenses of dealers of weapons— * * * —Conditions thereof.

* * * * *

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22-3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, * * * shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

Sec. 22-3212. Alteration of identifying marks of weapons prohibited

No person shall within the District of Columbia change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, That nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

22-3213. Exceptions. This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. Possession of certain dangerous weapons prohibited—Exceptions. (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, * * * may be possessed by the members of the Army, Navy, Air Force or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the United States Postal Service or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money securities, or other valuables, wholesale dealers and retail dealers licensed under section 22-3210.

22-3215a. Manufacture, transfer, use, possession or transportation of molotov cocktails, or other explosives for unlawful purposes, prohibited—definitions—penalties. (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property. * * *

Title 6

Chapter 18
Subchapter I—General Provisions

Sec. 6-1802. Definitions. (1) "Acts of Congress" means (A) chapter 32 of title 22; (B) Omnibus Crime Control and Safe Streets Act of 1968, as amended (Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C. Appendix)); and (C) an Act to Amend Title 18, United States Code, to Provide for Better Control of the Interstate Traffic in firearms Act of 1968 (82 Stat. 1213; 18 U.S.C. 921, et seq.).

(2) "Ammunition" means cartridge cases, shells, projectiles (including shot), primers, bullets, propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.

(3) "Antique firearm" means—(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (B) any replica of any firearm described in subparagraph (A) if such replica—(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(4) "Chief" means the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(5) "Crime of Violence" means a crime of violence as defined in section 22-3201, committed in any jurisdiction, but does not include larceny or attempted larceny.

(6) "Dealers license" means a license to buy or sell, repair, trade, or otherwise deal in firearms, destructive devices, or ammunition as provided for in subchapter IV of this chapter.

(7) "Destructive device" means—(A) an explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device; (B) any device by whatever name known which will, or is designed or redesigned, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun. (C) any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known; (D) any device designed or redesigned, made or remade, or readily converted or restored, and intended to stun or disable a person by means of electric shock; (E)any combination of parts designed or intended for use in converting any device into any destructive device; or from which a destructive device may be readily assembled:

Provided, That the term shall not include—(i) any pneumatic, spring, or B-B gun which expels a single projectile not exceeding .18 inch in diameter; (ii) any device which is neither designed nor redesigned for use as a weapon; (iii) any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or, (iv) any device which the Chief finds is not likely to be used as a weapon.

(8) "District" means District of Columbia.

(9) "Firearm" means any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such device; or any firearm muffler or silencer: Provided, That such term shall not include—(A) antique firearms; and/or (B) destructive devices; (C) any device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or (D) any device used exlusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.

(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot: (A) automatically, more than one shot by a single function of the trigger; (B) semiautomatically, more than twelve shots without manual reloading.

(11) "Organization" means any partnership, company corporation, or other business entity, or any group or association of two or more persons united for a common purpose.

(12) "Pistol" means any firearm originally designed to be fired by use of a single hand.

(13) "Registration certificate" means a certificate validly issued pursuant to this act evincing the registration of a firearm pursuant to this chapter.

(14) "Rifle" means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(15) "Sawed-off shotgun" means a shotgun having a barrel of less than 20 inches in length; or a firearm made from a shotgun if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 20 inches in length.

(16) "Shotgun" means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(17) "Short barreled rifle" means a rifle having any barrel less than 16 inches in length, or a firearm made from a rifle if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

(18) "Weapons offense" means any violation in any jurisdiction of any law which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device.

Subchapter II—Firearms and Destructive Devices

Sec. 6-1811. Registration Requirements. (a) Except as otherwise provided in this chapter, no person or organization shall within the District receive, possess, have under his control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization shall, within the District possess or have under his or its control any firearm, unless such person or organization is the holder of a valid registration certificate for such firearm. In the case of an organization, a registration certificate shall be issued (1) only to an organization which has in its employ one or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees duty hours and (2) only to such organization in its own name and in the name of its president or the chief executive. (b) Subsection (a) shall not apply to—

(1) Any law enforcement officer or agent of the District or the United States, or any law enforcement officer or agent of the government of any State or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard or Organized Reserves, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions.

(2) Any person holding a dealer's licence; Provided, That the firearm or destructive device is—(A) acquired by such person in the normal conduct of business; (B) is kept at the place described in the dealer's license; and (C) is not kept for such person's private use or protection, or for the protection of his business.

(3) With respect to firearms, any non-resident of the District participating in any lawful recreational firearm-related activity in the District, or on his way to or from such activity in another jurisdiction; Provided, That such person, whenever in possession of a firearm, shall upon demand of any member of the Metropolitan Police Department, or other bona fide law enforcement officer, exhibit proof that he is on his way to or from such activity, and that his possession or control of such firearm is lawful in the jurisdiction in which he resides: Provided further, that such weapon shall be unloaded, securely wrapped, and carried in open view.

Sec. 6-1812. Registration of certain firearms prohibited. No registration certificate shall be issued for any of the following types of firearms: (a) Sawed-off shotgun; (b) Machine gun; (c) Short-barreled rifle; (d) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, provided, that the provisions of this subsection shall not apply to any organization which has in its employ one (1) or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees' duty hours.

Sec. 6-1813. Qualifications for registration—Information required for registration. [Contact local authorities for requirements] * * *

* * * * *

Sec. 6-1816. Time for filing registration applications. (a) An application for a registration certificate shall be filed (and a registration certificate issued) prior to taking possession of a firearm from a licensed dealer or from any person or organization holding a registration certificate therefor. In all other cases, an application for registration shall be filed immediately after a firearm is brought into the District. It shall be deemed compliance with the preceding sentence if such person personally communicates with the Metropolitan Police Department (as determined by the Chief to be sufficient) and provides such information as may be demanded: Provided, That such person files an application for a registration certificate within 48 hours after such communication. (b) Any firearm validly registered under prior regulations must be registered pursuant to this chapter in accord-

ance with procedures to be promulgated by the Chief. An application to register such firearm shall be filed pursuant to this chapter within 60 days of September 24, 1976.

* * * * *

Sec. 6-1818. Duties of Registrants. Each person and organization holding a registration certificate, in addition to any other requirements imposed by this chapter, or the Acts of Congress, shall: (a) notify the Chief in writing of: (1) the loss, theft, or destruction of the registration certificate or of a registered firearm (including the circumstances, if known) immediately upon discovery of such loss, theft, or destruction; (2) a change in any of the information appearing on the registration certificate or required by section 6-1813; (3) the sale, transfer or other disposition of the firearm not less than forty-eight hours prior to delivery, pursuant to such sale, transfer or other disposition, including: (A) identification of the registrant, the firearm and the serial number of the registration certificate; (B) the name, residence, and business address and date of birth of the person to whom the firearm has been sold or transferred; and (C) whether the firearm was sold or how it was otherwise transferred or disposed of. (b) Return to the Chief, the registration certificate for any firearm which is lost, stolen, destroyed, or otherwise transferred or disposed of, at the time he notified the Chief of such loss, theft, destruction, sale, transfer, or other disposition. (c) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

Subchapter IV—Licensing of Firearms Businesses

Sec. 6-1841. Prohibition of manufacturing—Exception—Dealer's license requirements.

(a) No person or organization shall manufacture any firearm, destructive device or parts thereof, or ammunition, within the District; Provided, That persons holding registration certificates may engage in hand loading, reloading, or custom loading ammunition for his registered firearms: Provided further, that such persons may not hand load, reload, or custom load ammunition for others.

(b) No person or organization shall engage in the business of selling, purchasing, or repairing any firearm, destructive device, parts therefor, or ammunition, without first obtaining a dealer's license, and no licensee shall engage in the business of selling, purchasing, or repairing firearms which are unregisterable under section 6-1812, destructive devices, or parts therefor, except pursuant to a valid work or purchase order, for those persons specified in section 6-1811(b)(1).

Sec. 6-1842. Qualifications for dealer's licenses—Application—fee.

(a) Any person eligible to register a firearm under this act, and who, if a registrant, has not previously failed to perform any of the duties imposed by this chapter; and, any person eligible under the Acts of Congress to engage in such business, may obtain a dealer's license, or a renewal thereof, which shall be valid for a period of not more than one year from the date of issuance. The license required by this chapter, shall be in addition to any other license or licensing procedure required by law.

(b) Each application for a dealer's license and each application for renewal thereof shall be made on a form prescribed by the Chief, shall be sworn to or affirmed by the applicant, and shall contain: [Contact local authorities for requirements] * * *

Sec. 6-1847. Display of firearms or ammunition by dealers—Security—Employees of dealers.

(a) No licensed dealer shall display any firearm or ammunition in windows visible from a street or sidewalk. All firearms, destructive devices, and ammunition shall be kept at all times in a securely locked place affixed to the premises except when being shown to a customer, being repaired, or otherwise being worked on.

(b) No licensee shall knowingly employ any person in his establishment if such person would not be eligible to register a firearm under this chapter.

Sec. 6-1848. Firearm markings. No licensee shall sell or offer for sale any firearm which does not have imbedded into the metal portion of such firearm a unique manufacturer's identification number or serial number, unless the licensee shall have imbedded into the metal portion of such firearm a unique dealer's identification number.

* * * * *

Subchapter V—Sale and Transfer of Firearms, Destructive Devices, and Ammunition

Sec. 6-1851. Sales and transfers prohibited. No person or organization shall sell, transfer or otherwise dispose of any firearm, destructive device or ammunition in the District except as provided in sections 6-1852 or 6-1875.

Sec. 6-1852. Permissible sales and transfers.

(a) Any person or organization eligible to register a firearm may sell or otherwise transfer ammunition or any firearm, except those which are unregisterable under section 6-1812, to a licensed dealer.

(b) Any licensed dealer may sell or otherwise transfer ammunition and any firearm or destructive device which is lawfully a part of such licensee's inventory to: (1) any nonresident person or business licensed under the Acts of Congress and the jurisdiction where such person resides or conducts such business; (2) any other licensed dealer; (3) any law enforcement officer or agent of the District or the United States when such officer or agent is on duty, and acting within the scope of his duties when acquiring such firearm, ammunition, or destructive device, if the officer or agent has in his possession a statement from the head of his agency stating that the item is to be used in such officer's or agent's official duties.

(c) Any licensed dealer may sell or otherwise transfer a firearm except those which are unregisterable under section 1812, to any person or organization possessing a registration certificate for such firearm; Provided, That if the Chief denies a registration certificate, he shall so advise the licensee who shall thereupon (1) withhold delivery until such time as a registration certificate is issued, or, at the option of the purchaser, (2) declare the contract null and void, in which case consideration paid to the licensee shall be returned to the purchaser; Provided further that this subsection shall not apply to persons covered by subsection (b).

(d) Except as provided in subsections (b) and (e), no licensed dealer shall sell or otherwise transfer ammunition unless (1) the sale or transfer is made in person; and (2) the purchaser exhibits, at the time of sale or other transfer, a valid registration certificate, or, in the case of a nonresident, proof that the weapon is lawfully possessed in the jurisdiction where such person resides; (3) the ammunition to be sold or transferred is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of nonresident; and (4) the purchaser signs a receipt for the ammunition which (in addition to the other records required under this chapter) shall be maintained by the licensed dealer for a period of one year from the date of sale.

(e) Any licensed dealer may sell ammunition to any person holding an ammunition collector's certificate on September 24, 1976; Provided, That the collector's certificate shall be exhibited to the licensed dealer whenever the collector purchases ammunition for his collection; Provided further that the collector shall sign a receipt for the ammunition, which shall be treated in the same manner as that required under subsection (d)(4) of this section.

Subchapter VI—Possession of Ammunition

Sec. 6-1861. Persons permitted to possess ammunition. No person shall possess ammunition in the District of Columbia unless: (a) He is a licensed dealer pursuant to

Subchapter IV; (b) He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition; (c) He is the holder of a valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses; or (d) He holds an ammunition collector's certificate on September 24, 1976.

Subchapter VII—Miscellaneous.

Sec. 6-1871. Securing mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited—Loan or rental of firearms, destructive devices, or ammunition prohibited. (a) No firearm, destructive device, or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge, or pawn. (b) No person may loan, borrow, give, or rent to or from another person, any firearm, destructive device, or ammunition.

Sec. 6-1872. Firearms required to be unloaded and disassembled or locked. Except for law enforcement personnel described in section 6-1811(b)(1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

Sec. 6-1873. Firing ranges. [Contact local authorities for requirements] * * *

Sec. 6-1874. False information—forgery or alteration. (a) It shall be unlawful for any person purchasing any firearm or ammunition, or applying for any registration certificate or dealer's license under this chapter, or in giving any information pursuant to the requirements of this chapter, to knowingly give false information or offer false evidence of identity. (b) It shall be unlawful for anyone to forge or alter any application, registration certificate, or dealer's license submitted, retained or issued under this chapter.

Sec. 6-1875. Voluntary surrender of firearms, destructive devices, or ammunition—Immunity from prosecution—Determination of evidentiary value of firearm. (a) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this chapter with respect to the firearm, destructive device, or ammunition voluntarily delivered. Delivery under this section may be made at any police district, station, or central headquarters, or by summoning a police officer to the person's residence or place of business. Every firearm and destructive device to be delivered and abandoned to the Chief under this section shall be unloaded and securely wrapped in a package, and, in the case of delivery to a police facility, the package shall be carried in open view. No person who delivers and abandons a firearm, destructive device, or ammunition under this section, shall be required to furnish identification, photographs, or fingerprints. No amount of money shall be paid for any firearm, destructive devices, or ammunition delivered and abandoned under this section. (b) Whenever any firearm, destructive device, or any ammunition is surrendered under this section or pursuant to section 6-1820(c)(1), the Chief shall inquire of the United States Attorney and the Corporation Counsel for the District whether such firearm is needed as evidence; Provided, That if the same is not needed as evidence, it shall be destroyed.

Sec. 6-1878. Construction Nothing in this chapter shall be construed, or applied to necessarily require, or excuse noncompliance with any provision of any Federal Law. This chapter and the penalties prescribed in section 6-1876, for violations of this chapter, shall not supersede but shall supplement all statutes of the District and the United States in which similar conduct is prohibited or regulated.

* * * * *

Florida

State Law

Fla. Stat. Ann

790.001 Definitions. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires.

(1) "Antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Concealed firearm" means any firearm, as defined in subsection (6), when the same is carried on or about a person in such a manner as to conceal said firearm from the ordinary sight of another person.

(3) (a) "Concealed weapon" means any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or any other deadly weapon carried on or about a person in such a manner as to conceal said weapon from the ordinary sight of another person.

(b) "Tear gas gun," "chemical weapon" or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one half (1/2) ounce of chemical.

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shells, cartridges or ammunition for firearms;

(b) Fireworks as defined in Sec. 791.01;

(c) Smokeless propellent powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with Sec. 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the Department of Insurance, when used for or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzleloading flint or percussion weapons.

The exclusions contained in paragraphs (a)–(d) shall not apply to the term "explosive" as used in the definition of "firearm" in subsection (6).

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the armed forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for or going to or from military duty, or under orders;

(d) An employee of the state prisons or correctional systems who has been so designated by the Department of Offender Rehabilitation or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys and United States attorneys, and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "Short barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(11) "Short barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

* * * * *

(13) "Weapon" means * * * tear gas gun, chemical weapon or device, or any other deadly weapon except a firearm or a common pocket knife.

(14) "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

790.161 Making, possessing, * * * any destructive device * * *. A person who makes, possesses, * * * any destructive device, with intent to do bodily harm to any person or with intent to do damage to property; (1) shall be guilty of a felony * * *.

790.17 Furnishing weapons to minors under eighteen years of age, etc. Whoever sells, hires, barters, lends or gives any minor under eighteen years of age any pistol, * * * electric weapon or device or other arm or weapon, * * * without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind an electric weapon or device or any dangerous weapon * * * is guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082, Sec. 775.083, or Sec. 775.084.

790.18 Selling arms to minors by dealers. It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, or electric weapon or device * * * and every person violating this section shall be guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082 or Sec. 775.083.

790.221 Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty.

(1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

COMPILER'S NOTE: Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

790.23 Felons; possession of firearms or electric weapons or devices unlawful; exception; penalty. (1) It is unlawful for any person who has been convicted of a felony in the courts of this state or of a crime against the United States which is designated as a felony or convicted of an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year to own or to have in his care, custody, possession, or control any firearm or electric weapon or device or to carry a concealed weapon, including all tear gas guns and chemical weapons or devices.

(2) This section shall not apply to a person convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section is guilty of a felony of the second degree, punishable as provided in Secs. 775.082, 775.083 and 775.084.

Alachua County

Section 1: Handgun means any weapon commonly referred to as a pistol, other than a BB gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

Section 2: No retail establishment or pawn shop shall sell or deliver a handgun to any purchaser until three (3) complete days have elapsed after application to purchase has been made.

Section 3: No wholesale establishment shall sell or deliver a handgun to any purchaser except to another wholesale establishment or retail establishment until three (3) complete days have elapsed after application to purchase has been made.

Section 4: It shall be unlawful for anyone to purchase a handgun from any establishment mentioned in Sections 2 and 3 hereof without a valid application hereinafter provided for.

Section 5: All sales and deliveries of handguns except as provided in Section 3 hereof shall require an approved application form to be filed with the seller by applicant. Applications for the purchase of handguns shall be available only in the office of the Sheriff of Alachua County, Florida. * * *

* * * * *

Before the sale or delivery of a handgun within Alachua County, the Seller shall be required to receive from buyer the copy of the approved application. Should the seller determine or have reason to believe that the application has been forged or contains false information, he shall make no sales based thereon but shall immediately report such information to the Sheriff's Office for further investigation.

* * * * *

Section 9: Antique firearms as defined in Section 790.001(1), Florida Statutes, are exempt from the provisions hereof.

Bal Harbour

Sec. 12-17. Weapons—Pistols, etc.; notice of intention to obtain. (a) It shall be unlawful to purchase, acquire or receive delivery of

any pistol or revolver of any description without first filing a notice of such intention with the chief of police and giving information concerning his name, residence, a full description of such firearm and the name and address of the person from whom such firearm will be obtained.

Sec. 12-18. Same—Sale in violation of section 12-17. It shall be unlawful to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person, without having previously obtained the registration certificate described in section 12-17 from the person seeking actual delivery of such firearm and, upon receipt of such certificate, shall report to the chief of police within twenty-four (24) hours thereafter the serial number of such revolver or pistol and the name and address of the person to whom it is delivered.

Bay Harbor Islands

Article II. Firearms and Other Weapons

Sec. 14.20. Attempting to use or possessing certain weapons prohibited. A person * * * who, with intent to use the same unlawfully against another, carries or possesses a * * * machine gun, sawed-off shotgun, bomb or bombshell, or any explosive substance, or any other dangerous or deadly instrument, or weapon, except a rifle or shotgun not sawed off, is guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

Belle Glade

17-40. Weapons—Procedure for acquiring. (a) It is unlawful for any person to purchase, acquire or receive delivery of any pistol or revolver of any description unless he has first filed a notice of intent to acquire same with the chief of police.

(c) It is unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person without having previously obtained the registration certificate * * * from the person seeking actual delivery of such firearm * * *

Boynton Beach

Sec. 17-50. [Weapons]—Sale, purchase from, furnishing to persons under influence of drugs, alcohol, etc.; minors. It shall be unlawful for any person to purchase from, sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor.

Brooksville

Sec. 15-32. [Minors]—Sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents or legal guardian of such a minor.

Bushnell

State laws adopted by Ordinance no. 0-76-2.

Clearwater

13-32. Buying or receiving goods from minors. It shall be unlawful for any person conducting an auction house, or for any pawnbroker, junk dealer or secondhand dealer to loan money to or buy or receive from any minor any goods, chattels or other article of personal property; provided, however, this section shall not apply to any minor who has in his possession the written consent to the proposed transaction signed by a parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

13-34. Chapter applies to guns, pistols, etc. All the provisions herein provided for receiving, registering, reporting, holding and disposing of personal property generally shall specifically apply to pistols, guns and firearms of all kinds.

Cocoa Beach

Sec. 15-35. (Weapons)—Sale, loans, etc., to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Coral Gables

Section 20-15. Firearms—Sale. (a) Definition. The word "firearm" as used in this ordinance shall be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26 inches, rifles having barrels less than 16 inches, and shotguns having a barrel length of less than 18 inches, machine guns, sub-machine guns and machine pistols or any fully automatic weapon capable of firing more than one shot at each pull of the trigger. This ordinance shall not apply to any antique weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase, receive, lease, loan, rent, give or make any other transfer of custody of a firearm shall be required to give the seller or the person from whom the firearm is to be obtained, in writing, on a form to be supplied by the Chief of Police, a statement in duplicate containing true and correct information which shall include the following:

* * * * *

(c) Restrictions. It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in Section 20-15 (b) hereof.

It shall be unlawful for any person to sell, loan, give, furnish or transfer any firearm or any ammunition therefor to any person whom the seller knows or has reasonable cause to believe is under the influence of intoxicating liquor, narcotic, drugs, stimulants, depressants, barbiturates or hallucinogens; or is addicted to any narcotic, drug or barbiturate or hallucinogens; or is a habitual alcoholic; or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization. In addition to all other penalties, violations of Section 20-15 shall be grounds for revocation of any license to sell firearms issued by the City to such violator.

(d) Applicability. The provisions of Section 20-15 shall apply to persons in the firearms business or in the business of gunsmithing, and do not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers, or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

Section 20-16. Firearms—License required for sale: Qualifications; Application; Credit Report; F.B.I. Reports. Occupational licenses permitting the sale or distribution of firearms shall be issued only to persons of good moral character, who have not been convicted of any offense involving moral turpitude, and who are over twenty-one (21) years of age. Licenses to corporations

shall be issued only when all directors, officers and managers of unit qualify as above.

* * * * *

Section 20-16. 1 Firearms—Waiting Period Required; Investigation. (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving, delivering or transferring custody of any firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the Chief of Police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of firearm may be made after a twenty-four (24) hour waiting period, only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, State of Florida, County, or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be on an approved list promulgated by the Chief of Police.

2. Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) hour or twenty-four (24) hour waiting period required:

1. Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of this ordinance, the following information shall be imprinted on the application: The issuing agency or authority; The card number; The name and address identical to that on the card.

3. Persons who are on record with a Police Department in Dade County as having previously purchased a pistol, revolver or firearm as defined in Section 20-15 (a) hereof.

4. Persons trading an operable pistol, revolver or firearm, as defined in Section 20-15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of Section 20-16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized non-profit state or national organization.

Dade City

Sec. 15-28. Prohibitions and restrictions as to possession, discharge, use by minors and carrying concealed weapons.

(a) It shall be unlawful for any person to have within the corporate limits of the city any machine gun, shotgun having a barrel of less than twenty inches in length, any firearm equipped with a silencer, * * * except a pistol or revolver when a permit to carry the same has been received from the chief of police of said city.

(b) It shall be unlawful for any minor under the age of sixteen years to possess any of the weapons described in subparagraph (a) above * * *

Sec. 15-29. Selling to minors. It shall be unlawful to sell to any minor, within the limits of the city any pistol, revolver or other pocket firearm. The word "pistol", as used in this chapter, shall be held to include pocket sized mechanical devices designed for or capable of exploding or firing blank shells or cartridges, whether classed or sold as toys or otherwise, * * *.

Dade County

Sec. 21-7. Sale of firearms to. [Minors]. It shall be unlawful for any person to sell or offer for sale, barter or exchange, or offer to barter of exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

* * * * *

Sec. 21-16. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any firearm as defined in section 21-20.1(a) to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

* * * * *

Sec. 21-19.1. Sale of Saturday night specials in Dade County prohibited. It shall be unlawful for any person to sell or otherwise transfer any Saturday night special as defined in section 21-20.1(b) or offer or expose for sale or transfer any such Saturday night special.

(a) Notwithstanding the foregoing provisions of this section, the sale of Saturday night specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

(b) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

Sec. 21-20. Registration of sales and transfers required; penalty. (a) Register. Every person engaged in the business of selling, leasing, or otherise transferring firearms as defined in section 21-20.1(a), of the size capable of being concealed on the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, shall keep a register * * *

(b) Purchaser and seller to sign. The person to whom such firearm is sold, leased or otherwise transferred shall sign and the dealer shall require him to sign his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the person to whom such firearm is sold, leased or transferred.

(c) Waiting period required for handgun. The person to whom such handgun is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such handgun.

* * * * *

(e) Exceptions. This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the county, nor to sales or transfer of firearms that do not use a self-containing cartridge.

Sec. 21-20.1. Definitions. (a) The word "firearm" as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than

sixteen (16) inches, and an overall length of less than twenty-six and one-half (26 1/2) inches, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The term "Saturday Night Special" shall mean any firearm which is 32 caliber or smaller, whose barrel is less than three (3) inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

Sec. 21-20.2. License—Required to sell. (a) It shall be unlawful for any person who, without being licensed as provided in this act [chapter], to engage in the business of selling or otherwise transferring any handgun or to advertise for sale, or offer or expose for sale or transfer any handgun defined in section 21-120.1(a) or to engage in the business of repairing handguns. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to: (1) Sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit state or national organization.

Sec. 21-20.4.1. Demonstration of knowledge of county, state and federal laws applicable to sale of firearms required. As part of the application procedure for a license to sell firearms, the Dade County Commission shall set up two (2) different type licenses. The first license shall be described as the dealer license, which shall be issued to the owner, corporation, or partner, or general manager; and the employee license, which shall be issued to any employee who is engaged primarily in retail sale of firearms. * * * (T)he applicant, whether he be a dealer or employee, shall have to show his knowledge of federal, state and Dade county laws by a (test) * * *.

Sec. 21-20.6. Issuance of license. (a) Upon completion of the following: (1) An investigation showing the statements on the application to be true; and (2) The taking and passing of the required written examination on gun control laws and applicable to the sale of firearms in Dade County; the county commission shall inquire into the good character, competency and integrity of the applicant. If the commission is satisfied as to the applicant's good character, compentency and integrity, a license to sell shall be issued to the applicant within thirty (30) days of application, and the committee should also assign a permament license number to each applicant.

(b) No license may be issued to any person who has been convicted of a felony in this state or elsewhere or who is under eighteen(18) years of age.

(c) No license may be issued solely in the name of a corporation, firm, partnership, company or other fictitious entity, but the corporate name may be listed on the license.

* * * * *

Sec. 21-20.8. Conditions; revocation. (A) A license issued in accordance with the provisions of this division is subject to the following conditions, for breach of any of which the license is subject to revocation: * * *

(4) No handgun shall be delivered:

(a) Until seventy-two (72) hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within the state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 21-20.8 of this chapter.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity, proper identification as required by Omnibus Crime Bill of 1968, said evidence to be noted on the sales record.

(c) Unless the delivery is made to the identical individual who has purchased the firearm, by proof of dealer receipt.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

* * * * *

Sec. 21-20.13. Sale of firearm with serial number defaced prohibited. It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

Sec. 21-20.14. Sale or delivery of firearms or ammunition to certain classes of persons. It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

Sec. 21-20.16. Handgun purchaser's instruction and qualification procedure. (a) Instruction and qualification procedure required. It shall be unlawful for any person to acquire a handgun in Dade County from a licensed dealer, unless such person has received safety instruction and otherwise qualified * * *.

* * * * *

(e) Exceptions. This section shall not apply to:—

(1) Law enforcement officers or agents of any state of the United States, or any political subdivision, municipal corporation, department or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision, municipal corporation, department or agency of either, while engaged in the discharge of their official duties.

(2) Wholesale dealers in their business intercourse with retail dealers or retail dealers in their business intercourse with other retail dealers or to wholesale or retail dealers in the regular or ordinary transportation of any unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the country.

(3) Nonresidents of the United States having proper authorization from his or her consulate, acting consulate, commercial attache, or such other authorized representative.

(4) This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to:

(a) Sales or trades by an unlicensed person to a person licensed hereunder, nor to

(b) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the fireams business or in the busiess of gunsmithing.

(5) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 21-20.17. Unlawful to sell handguns to persons who have not qualified. (a) It shall be unlawful for a licensed dealer to sell, deliver, transfer, or furnish any handgun to any person in Dade County unless the purchaser has qualified under section 21-20.16, or

(b) Unless the purchaser exhibits evidence that he is exempt from the requirements of section 21-20.16(b). Every person who is convicted for violation of this section, shall be punished as provided in section 21-20.15 of this Code.

Dania

Sec. 20-15. Misdemeanors recognized by law of Florida, forbidden. It shall be unlawful to commit within the city any act which shall be recognized by the laws of the state as a misdemeanor and the commission of such act is forbidden. Violation of any such act shall upon conviction be punished as provided by section 1-8 of this Code. (*Note: The State laws that are recognized include Chapter 790, Weapons and Firearms, Sections 790.001—790.26.*)

Davie

237-2. It shall be unlawful to sell, hire, barter, lend or give any minor under sixteen

(16) years of age any gun, rifle, pistol or other arm or weapon * * * without permission of the parent of such minor or the person having charge of such minor.

De Land

21-21. Weapons—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

21-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city and any private corporation that receives clearance from the proper division of the United States Treasury Department to transport Class II weapons, which includes machine guns.

Dunedin

15-35. Same—Registration of small arms required. It shall be unlawful for any person to own, possess, carry or otherwise have control of any .22 rifle, air rifle, air pistol or other similar device, in the city, unless first the ownership thereof be registered within the city.

15-37. Change of ownership. All changes of ownership or possession shall be registered in the same manner as provided in section 15-36.

El Portal

Sec. 12-17. Weapons—Sale, etc., to minors prohibited. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

Sec. 12-18. Same—Approval of parent or guardian, when required. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents of such a minor or legal guardian.

Eustis

Ordinance 144

Section 13.30 Weapons. * * * (e) Sales to Intoxicated Persons and Minors. It shall be unlawful for any person to purchase from or sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

(f) Records Required. It should be unlawful for any secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above [pistol, revolver, or other firearm, with a barrel less than 12 inches in length] to sell, rent or exchange any such weapons unless he shall keep a record of each such weapon purchased, sold, rented or exchanged at retail.

(f-1) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose [contact local authorities for required contents] * * *

(f-2) Report to Chief of Police. Every secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above shall deliver daily reports to the Chief of Police of every such purchase, sale, loan or gift. The report shall be on forms provided by the Chief of Police * * *.

Everglades

Ordinance No. 1974-3 adopts Florida statutes.

Fernandina Beach

Sec. 15-19. (Weapons)—Concealable on person; permit required. It shall be unlawful for any person to purchase or acquire any pistols, revolvers or firearms which may be concealed upon the person without first having obtained from the chief of police of the city a written permit therefor.

Sec. 15-20. (Weapons)—Display of permit prerequisite to purchase. Each person to whom any pistol, revolver or firearm which may be concealed upon the person is sold or otherwise disposed of, shall first display his permit duly and properly signed by the chief of police of the city showing his authority and right to purchase or acquire such firearm * * *

Sec. 15-21. (Weapons)—Registration with police. Each person who owns or has in his or her possession any pistols, revolvers or firearms which may be concealed upon the person shall immediately register the same with the chief of police of the city and obtain a written permit therefor as is required and set forth in section 15-19.

Florida City

Sec. 11-3. Sale, etc., of deadly weapons to minors prohibited.

(a) It shall be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor under seventeen (17) years of age.

(b) It shall be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents or legal guardian of such a minor.

Fort Pierce

Sec. 19-50. Same—Permit of purchasers required. (a) It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, * * * within the corporate limits of the city, unless and until a permit shall have first been obtained from the chief of police of the city by the person to whom such articles are to be sold or delivered.

Fruitland Park

Florida state law adopted by ordinance.

Gainesville

18-37.1 Sale or transfer of certain firearms.

A. Sale or Transfer of Handguns Prohibited. It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this Ordinance.

B. Definitions.

1. "Handgun" means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

2. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

3. "Saturday Night Specials" means any handgun which shall not meet the minimum criteria so set forth in Section B-7 herein.

4. "Sale or Transfer" means any sale, transfer assignment, pledge, lease, loan, barter, or gift.

5. "Firearms Dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Gainesville whether as the principal business of such person, firm or corporation, or in addition thereto.

6. "Antique Firearms" means any firearm manufactured in or before the year 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

7. "Minimum Standards" means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of 800 degrees Fahrenheit and a minimum ultimate tensile strength of 55,000 pounds per square inch.

8. "Licensed Firearms Collectors" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

C. Proof of Meeting Minimum Standards. It shall be required of firearms dealers to furnish the City Manager with proof that the minimum criteria are met by the handgun to be sold prior to sale by said dealer. * * *

D. Exceptions.

1. This ordinance shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

2. This ordinance shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

3. This ordinance shall not apply to sales or transfer of "antique firearms".

4. This ordinance shall not apply to sales or transfer between "licensed firearms collectors".

Sec. 18-40. Same—Sale to minors. It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

Glen Ridge

Local ordinance incorporates, by reference, Florida State Criminal Code.

Greenacres

Florida state law adopted by ordinance.

Sec. 18-38. State Misdemeanors. No person shall commit, within the town, any act which is or shall be recognized by the laws of the state as a misdemeanor.

Green Cove Springs

11-8. [Firearms]—Permit for sale. It shall be unlawful for any person to sell to any person any such pistols, revolvers, firearms which may be concealed upon the person or rifles of a caliber larger than .22 caliber without first having obtained a permit in writing from the chief of police or mayor of the city approving such sale to such person, which permit shall be kept by such person, on file for inspection by city officials for a period of one year from the date of such sale or other disposition.

11-9. * * *—Sale to minor, incompetent. No person shall sell, give, lend or otherwise place in the possession of any minor, known habitual drunkard or known incompetent any pistol, revolver, firearm which may be concealed upon the person or rifle of a caliber larger than .22 caliber.

Gretna

13-3. Sale or transfer of certain firearms. (a) It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this chapter.

13-4. Definitions.

Handgun means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

Firearm means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

Saturday night specials means any handgun which shall not meet the minimum criteria as set forth in this section.

Sale or transfer means any sale, transfer, assignment, pledge, lease, loan, barter or gift.

Firearms dealer means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the town whether as the principal business of such person, firm or corporation, or in addition thereto.

Antique firearms means any firearms manufactured in or before the year 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Minimum standards means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of eight hundred (800) degrees Fahrenheit and a minimum ultimate tensile strength of fifty-five thousand (55,000) pounds per square inch.

Licensed firearms collectors means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923. * * *

13-5(d) Exceptions.

(1) This section shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

(2) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(3) This section shall not apply to sales or transfer of "antique firearms."

(4) This section shall not apply to sales or transfer between "licensed firearms collectors." * * *

13-7. Sale to minors.

(a) It shall be unlawful for any person to sell to any minor within the corporate limits of the town, a pistol, gun or other weapon shooting a cartridge.

(b) For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

Hallandale

Sec. 11A-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Firearm. Any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or

shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word "firearm" shall not be construed to mean guns that do not use self-contained cartridges.

Sale. Includes transfer, assignment, pledge, lease, loan, barter or gift.

Sec. 11A-2. License to sell—Required. (a) It shall be unlawful for any person who, without being licensed as provided in this chapter, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in section 11A-1, or to engage in the business of repairing firearms or in the business of gunsmithing. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 11A-3. Same—By whom granted. The city commission may grant licenses in the form prescribed by the city commission permitting the licensee to sell such firearms within the city on the premises named therein.

Sec. 11A-7. Same—Conditions. (4) No firearm shall be delivered:

(a) Until twenty-four hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within this state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 11A-1.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity such evidence to be noted on the sales record.

(c) Unless the delivery is made to the identical individual who has purchased the firearm.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

Sec. 11A-11. Sales to certain persons prohibited. It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is an habitual alcoholic, or is of unsound mind, or has been convicted of a felony, or is a fugitive from justice, or is a member of a subversive organization.

Haverhill

Sec. 6-1. Permit for purchase or sale or gift of certain weapons—Required. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand fire-arms * * * or other similar equipment used primarily by police officers, within the corporate limits of the Town of Haverhill, Florida, unless and until a permit shall have first been obtained from the Town Marshal of the town by the person to whom such article is to be sold or delivered.

Sec. 6-10. Permit for sale, possession, etc. of tear gas—Required. Before any person shall possess, purchase, sell, distribute or dispose of any tear gas or tear gas weapons within the Town, such person shall apply to the Town Marshal of the Town for a permit so to do.

Hialeah

21-31. * * *—Weapons, unlawful to distribute to. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * or other deadly weapon to any minor under seventeen years of age; or to sell, barter, lend, give or deliver any pistol * * * or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

* * * * *

21-42. Same—Sales to minors under eighteen. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone under the age of eighteen years.

21-44. Same—Blank cartridges and pistols. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Hollywood

Sec. 19-43. Firearms and ammunition—Defined.

Ammunition. All pistol or revolver ammunition, shotgun shells, metallic ammunition suitable for uses in rifles or any .22 caliber rimfire ammunition. No distinction shall be recognized between new and reloaded ammunition.

Firearms. Any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive.

Firearms and ammunition dealers licenses. Any person engaged in the business of selling new or used firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, and shall include pawnbrokers, or any person engaged in the business of repairing such firearms or manufacturing or fitting special barrels, stocks, trigger mechanisms or breach mechanisms to firearms.

(a) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license; * * *.

(b) All applications for a dealer's license shall be approved by the chief of police * * *.

(c) All persons associated with such dealer shall be required to have a police I.D. card.

Homestead

Sec. 24-8. Sale of firearms to. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Sec. 29-7. Blank cartridges. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Sec. 29-32. * * * (Firearms)—Information required of purchaser. Any person desiring to purchase or receive delivery of a revolver or other firearm of any description shall hereby be required to first give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing the true and correct information concerning his name, occupation, residence and last prior residence before coming to the city.

Sec. 29-33. Same—Sale, etc.—Statement of purchaser prerequisite. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver or other firearm of any description to any person, without having previously obtained in writing from the person seeking actual delivery of such firearm a statement of his true name, occupation, residence and last previous residence before coming to the city.

Sec. 29-34. Same—Same—Record to be kept. No gun, revolver, pistol, cannon or firearm of any description shall be sold, unless a record of the name and address of the person to whom such weapon is sold shall be kept in a separate book by the selling agent, together with a record of the manufacturer's number or other marks by which such weapon may be identified.

Sec. 29-105. Weapons—Carrying concealed. It shall be unlawful for any person in the city, except an officer of the law authorized to make arrests, to carry concealed about his person any pistol * * * or any other deadly weapon * * * or to carry any fountain pen or other device or instrument designed to discharge, or for the purpose of discharging, tear gas or other injurious gas.

Sec. 29-107. Same—Sale to intoxicated persons, etc. No person in the city shall sell, loan or furnish a weapon described in section 26-105, or other weapon in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Jacksonville

328.101 Certificate from Sheriff Required for License to Deal in Certain Firearms. No office of the City shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the Sheriff a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *

328.102 Registry of Certain Firearms Sold. * * * Each person to whom any pistol, revolver or firearm which may be concealed upon the person is sold or otherwise disposed of by a dealer, shall first file a written and signed statement showing his correct name and address, and such information shall be promptly entered in such registry or book, together with a description of a kind, make, number and the name of the manufacturer of such weapon. * * *

328.202 Allowing Minors or Habitual Drunkards to Obtain Firearms. It shall be unlawful and a class D offense against the City for any person to sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

328.205 Possession of Short-barreled Shotgun, Short-barreled Rifle or Machine Gun Prohibited. It shall be unlawful and a Class C offense against the City for any person to own or possess any short-barreled shotgun, short-barreled rifle or machine gun which is, or may readily be made operable. A "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Shortbarreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manually reloading, by a single function of the trigger, but this section shall not apply to antique firearms; "Antique firearms" being defined as any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Section 2. Exceptions. Firearms in violation hereof which are lawfully owned or possessed under provisions of federal law are excepted.

Jacksonville Beach

Sec. 16-11. Same—Registry of firearms sold; information to be registered; weekly report to police of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry or record of such sales in a book, * * *

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the chief of police or city manager approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

Sec. 16-13. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

Key Colony Beach

Ordinance 44

* * * it shall be unlawful to commit, within the limits of the city, any act relative to the ownership, use, possession and display of weapons or firearms, which is, or shall be made unlawful, or an offense against the state, by Sections 790.01 to 790.24, both inclusive, of the Florida Statutes.

Lantana

16-25. [Weapons]—Sale prohibited without permit. No dealer or vendor in firearms, shall sell, hire, barter, lend or give to any other person any pistol, gun or other firearm, except upon written permit of the chief of police, provided that nothing in this section shall prevent the sale, hire, barter, loan or gift of any such weapon to any duly authorized law enforcement officer of the United States, State of Florida, or any political subdivision thereof, for such officer's use in the discharge of his duties.

Longwood

Section 57. Weapons; Placing in Possession of Minor, Habitual Drunkard, et cetera. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver, or any other dangerous weapon.

Mangonia Park

Sec. 17-45. Delivering possession of dangerous weapon to minor. Whoever sells, hires, barters, lends, or gives any minor under sixteen (16) years of age any pistol, * * * or other arm or weapon, other than * * * a gun or rifle used for hunting, without the permissions of the parent of such minor or sells, hires, barters, lends, or gives, to any person of unsound mind any dangerous weapon, * * * shall be punished by imprisonment not exceeding ninety (90) days, and/or by fine not exceeding five hundred dollars ($500.00).

Medley

(The city has adopted the State of Florida and Dade County laws and ordinances pertaining to firearms.)

Miami

61-1. Sale of firearms generally.

(a) "Firearm" defined. The word "firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; * * *

(b) Firearm registration. No person, firm, corporation or other legal entity, may acquire, own or possess any firearm within the city unless such firearm has been registered by the owner in accordance with this section or by the dealer selling, renting or leasing firearms with the city police department upon forms furnished by such department. * * *

(c) Exemptions. The provisions of this section shall not apply to the following:

1. United States marshals, while engaged in the operation of their official duties;

2. Members of the armed forces of the United States or the National Guard, while

engaged in the operation of their official duties;

3. Federal officials required to carry firearms, while engaged in the operation of their official duties;

4. Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

5. Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other places such persons must have their firearms unloaded and enclosed in a case;* * * * *

9. Nonresidents, who are currently licensed or registered to possess firearms in their resident state;* * * * *

11. Any person who has registered the firearm in his possession with a municipality within the county which requires registration of such firearms;

12. Any person holding a current license to deal in firearms with the county or any other municipality located within the county.

(d) Sale to minors restricted. It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one unless accompanied by a parent or guardian, in which event both the minor and the parent or guardian shall be required to fill out the application form as provided in paragraph (b).

(e) Sale to felons prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(f) Sale to users of narcotics prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person addicted to the use of narcotics or users of drugs, stimulants or depressants.

(g) Sale to persons under the influence of intoxicating beverages. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

61-2. Delivery of firearms.

(a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm, and also description of the firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four hour waiting period only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, state, county or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of such I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

2. The applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two hour or twenty-four hour waiting period required:

1. Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour or twenty-four hour waiting period, as set forth in the foregoing provisions, the following information shall be imprinted on the application:

a. The issuing agency or authority.

b. The card number.

c. The name and address identical to that on the card.

3. Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 61-1(a).

4. Persons trading an operable pistol, revolver or firearm, as defined in section 61-1(a), for another similar operable pistol, revolver or firearm.

(d) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

61-3. Sale of weapons, firearms, tear gas pens, etc., to minors. (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, * * * or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

61-5. Sale, etc., of firearms to intoxicated, etc., persons. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulate or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

61-10. * * * (Fountain pens or devices for discharge of injurious gas)—Permit to sell, etc.—Required. No person shall sell, offer for sale or cause to be sold or distributed any fountain pen, device or other instrument designed to discharge, or for the purpose of discharging, tear gas or other injurious gas within the city without a permit to do so issued by the city manager.

Miami Beach

Sec. 25-104. * * * Firearms—Sale generally.

(a) Firearms defined. The word "firearm" as used in this section and the following sections shall be construed to mean any revolver, pistol, automatic pistol, shotgun, rifle, machine gun, submachine gun, machine pistol, or any fully automatic weapon capable of firing more than one shot at each pull of the trigger, or any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, or any firearm muffler or any firearm silencer, or any part or parts of such firearms. This section and the following sections shall not apply to any automatic weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique or replicas of cartridge pistols, or rifles using ammunition which is no longer manufactured or commonly sold, or to stud guns used as tools by tradesmen.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in writing, on a form to be supplied by the chief

of police, a duplicate statement containing true and correct information which shall be signed by the applicant and shall include the following: * * *

Sec. 25-105. * * * (Firearms)—Unlawful to sell to person without police approval. It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police in the manner set forth in the preceding section.

Sec. 25-110. * * * (Firearms)—Waiting period between time of sale and delivery. No firearm shall be delivered to any person until seventy-two hours after the sale of any firearm.

Sec. 25-112. * * * (Firearms)—Persons to whom sale is unlawful. It shall be unlawful for any person knowingly and willfully to sell, lease, lend, give or deliver any firearm to any person under the age of twenty-one; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

Sec. 25-112.2. * * * (Firearms)—Exemptions from section 25-110. The following shall be exempt from the seventy-two hour waiting period required:

(a) Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers in the regular or ordinary transportation of unloaded firearms.

(b) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour waiting period as set forth in the foregoing provisions, the following information shall be imprinted on the application:

(1) The issuing agency or authority.

(2) The card number.

(3) The name and address identical to that on the card.

(c) Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 25.104.

Sec. 25-115. * * * (Firearms)—Dealer's license. No person shall engage in the business of selling firearms unless a license shall have been procured from the city council as herein provided, and it shall be unlawful for any person to engage in the business of selling firearms without first procuring such license from the city council. * * *

Mount Dora

14-36. Merchant prohibited from selling firearms, ammunition, explosives to minors. It shall be unlawful for any merchant, business house or vendor, or any person, firm or corporation to sell to any person under eighteen (18) years of age any firearms, "BB" pellets, or ammunition of any and all types, including 22 caliber ammunition, or any other explosives, within the city.

Neptune Beach

Sec. 16-69. Weapons—Certificate from city council prerequisite to license to deal in. No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *

Sec. 16-70. Same—Registry of firearms sold; information to be registered; weekly report to city marshal of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry * * *

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapons without first having obtained a permit in writing from the city marshal or city council approving such sale to the person.

North Miami

Sec. 10-75. Manufacture, storage, sale, etc., small arms ammunition. No person shall manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

No person shall store for sale, sell or offer for sale any small arms ammunition without a permit.

North Palm Beach

24-74(3) Sales to intoxicated persons and minors. No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ocala

Sec. 15-96. (Weapons)—Sale to intoxicated persons or minors. It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Opa-Locka

Sec. 18-13. Registration certificate required for sale, exchange, delivery, etc. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver, gun, rifle or other firearm to any other person without having previously obtained the registration certificate, described in section 18-12, from the person seeking actual delivery of such firearm * * *

Palm Beach Gardens

17-10. Concealed weapons; selling weapons; possession of weapons.

* * * * *

(g) Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years, or to any known convicted felon who has not had his civil rights restored according to law.

Pasco County

Sec. 8 1/2-1. Definitions. As used in this chapter; "Pistol" means any small firearm, loaded or unloaded, made after 1920, with a barrel of three (3) inches or less, fired by hand. The term shall include all firearms having one or more barrels, such as revolvers, automatics, derringers and the like, capable of discharging loaded ammunition, and having a frame or receiver with a melting point of 850 degrees F. or less.

Sec. 8 1/2-2. Seventy-two hour waiting period required.—No sale or delivery or exchange of any pistol or revolver shall be made to a purchaser until the expiration of seventy-two (72) hours from the time that an initial

offer to purchase said pistol or revolver is made by the purchaser to the seller.

Pinellas County

Ordinance 74-1

Section 1. Definitions. (a) Firearm as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile or gas through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than 16 inches, and an overall length of less than 26 1/2 inches, but the word firearm shall not be construed to mean guns that do not use self contained cartridges.

(b) Saturday Night Special shall mean any firearm which is 32 caliber or smaller, whose barrel is less than 3 inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to sell or otherwise transfer any Saturday Night Special as defined hereinabove or offer or expose for sale or transfer any such Saturday Night Special.

Section 3. Exception. The sale of Saturday Night Specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

Ordinance 74-7

Section 1. Definitions. (a) The word Firearm as used in this Ordinance shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, rifle, modified rifle, shotgun, or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive. The word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The word Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to transfer any firearm within a 72-hour period following the sale of the firearm.

Section 3. Exceptions. (a) This Ordinance shall not apply to wholesale dealers in their business dealings with retail dealers nor to retail dealers in their business dealings with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express, or other mode of shipment to points outside the County, nor to sales or transfer of firearms that do not use a self-contained cartridge.

(b) This Ordinance shall not apply to duly employed federal, state, county, or municipal law enforcement officers.

Pinellas Park

13-16 (67). Guns, dealers in revolvers, pistols, ammunition, etc. Approval of city manager with the recommendation of police department as well as separate license in addition to other retail merchant's license required.

Pompano Beach

Sec. 31.16. Firearms, discharging; sale of ammunition. * * * * * (b) It shall be unlawful for any person to sell, barter or give to any other person under the age of sixteen (16) years in the city, ammunition for a firearm, * * * provided, however, that this ordinance shall not apply to parents or guardians giving such ammunition to their own children, in case of a parent, or to the children over whom they may have lawful custody and control, in the case of a guardian.

Quincy

35-1. License to sell—Required. No person shall, within the corporate limits of the city: (a) Engage in the sale of pistols, machine guns or submachine guns, or (b) Operate or manage any business where pistols, machine guns or submachine guns are sold, without first procuring a license for the sale of same as provided herein.

* * * * *

35-12. Registration of pistols, machine guns and submachine guns required. No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

* * *

Riviera Beach

13-36. Sale of weapons to minors prohibited. It shall be unlawful for any dealer in arms, guns, rifles or other weapons to sell to minors any pistol, rifle, repeating rifle, tear gas gun, flair gun, * * * or any other type of dangerous weapon.

Ordinance 140 adopts Florida misdemeanors and penalties.

St. Petersburg

20.76. Sale to minors. It shall be unlawful for any person within the city to sell to any person under twenty-one (21) years of age a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

20.77. Registration of hand gun sales. (a) Each retail dealer who deals in and sells pistols, revolvers, or any other weapon which is generally described and referred to as a "hand gun" shall require a purchaser thereof to register his name, age and place of residence in a book the dealer shall keep for that purpose. * * *

(b) It shall be unlawful for any dealer of weapons subject to subsection (a) or any agent or employee thereof to fail or refuse to comply with the provisions of subsection (a).

(c) It shall be unlawful for any person purchasing a weapon subject to subsection (a) to give a false name, age or place of residence as required by subsection (a).

(d) This section shall not be applicable to the sale of any bona fide antique weapon that is incapable of being fired.

Sebastian

Sec. 17-1. Adoption of state laws constituting a misdemeanor. It shall be unlawful to commit, within the limits of the City of Sebastian, any act which is or shall be recognized by the laws of the State of Florida as a misdemeanor; and the commission of such acts is hereby forbidden.

South Miami

15-25. Firearms-Notice of intent to purchase. It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station, in the city. * * *

15-26. Same—Selling or receiving without certificate. It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate * * *, from the person seeking actual delivery of such firearm, * * *.

Sec. 15-27. Same—Blank cartridge and pistols; sale of guns, etc., to minors. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city. No gun, revolver, pistol, cannon or firearm of any

description shall be sold or given to anyone in the city under the age of eighteen years.

Starke

8-19. (Weapons)—Registry of firearms sold; * * * permit for each sale. * * * It shall be unlawful for any person to sell or otherwise dispose of (weapons) * * * without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the Chief of Police or Mayor approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

* * * * *

8-21. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

* * * * *

8-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law-enforcement officer of the United States government, the State of Florida, or the city.

Surfside

Sec. 13-43. (Weapons) Receiver of firearms to furnish certain information in writing. Any person in the town desiring to purchase or receive delivery of a revolver or other firearm of any description shall be and hereby is required first to give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing true and correct information concerning his name, occupation, residence and last prior residence before coming to the town.

Sec. 13-44. Same—Seller of firearms to obtain designated information in writing. It shall be unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered any revolver, gun, or other firearm to any other person, without having previously obtained, in writing, from the person seeking actual delivery of such firearm, a statement of his true name, occupation, residence, and the last previous residence before coming to the town.

* * * * *

Sec. 13-46. Same—Report to police of possession. Any person having in his possession, actually or constructively, any revolver, gun or other firearm of any description, within the town, shall file with the police department a certificate or statement in writing giving his true name, occupation, residence, and a full and complete description of such revolver, gun or other firearm in his possession.

Tallahassee

3. It shall be unlawful for any person, firm or corporation within the City of Tallahassee to sell, give, lend or otherwise place in the possession of any minor any pistol, revolver or other firearm which may be concealed on the person.

Tampa

Sec. 24-112. Blank cartridge pistols, tear gas pistols and ammunition—Sale, possession, etc. No person shall sell, offer for sale, give or have in his possession within the corporate limits of the city any blank cartridge pistol or other like device made exclusively for the purpose of firing or discharging any blank cartridge; providing, however, that this section shall not apply to the sale, possession or discharge of any pistol or other like device designed to use .22 caliber crimped blanks and/or .22 caliber tear gas cartridges.

Sec. 24-113. Same—Selling or giving to minors. No person shall sell or give away to any minor within the corporate limits of the city any blank cartridges or other like ammunition.

Sec. 24-114. Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited. It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun, or shotgun or rifle having a barrel of less than twenty (20) inches in length, or any firearm equipped with a silencer, or any other firearm, which is capable of being concealed on the person. This section shall not apply to a pistol, revolver, or blank or tear gas gun authorized by this chapter.

This section shall not be applicable to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county or municipal law enforcement officers.

* * * * *

Sec. 24-116. Molotov cocktails, firebombs, etc. It shall be unlawful for any person to make, carry, possess or use any type of "Molotov cocktail", gasoline or petroleum base firebomb, or any other incendiary missile or any explosive bomb, device or missile unless the same is otherwise permitted as a lawful act pursuant to the laws and ordinances of this city.

Titusville

Sec. 15-9.1. Firearms—Sales to children under sixteen. The sale for any purpose whatsoever of any * * * 22-caliber rifle or any firearms or of any BB's, pellets or ammunition for use therein to any child under the age of sixteen (16) shall be unlawful.

Sec. 15-9.2. Same—Relinquishment of possession to child under sixteen. The relinquishment of possession of any * * * 22-caliber rifle or any other firearm or any * * * ammunition for use therein to any child under the age of sixteen (16) by one who is in possession of said weapon and/or ammunition or by anyone who is the lawful owner of said weapon and/or ammunition shall be unlawful.

Virginia Gardens

Sec. 12-9. Weapons—Sale, etc., to minors. No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor under seventeen years of age.

No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor or his legal guardian.

West Miami

14-16. Minors—sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, * * * or other deadly weapon to any minor under seventeen (17) years of age. It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, * * * or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

West Palm Beach

51.1. Permit for purchase, sale, etc.—Required. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, * * * or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

Winter Springs

Sec. 9-77. Placing in Possession of Minors, Habitual Drunkards. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or any other dangerous weapon.

Georgia

State Law

Code of Ga. Ann.

26-1405 Criminal possession of an incendiary (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding $1,000 or by both.

26-2905 Furnishing weapons to minors. A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, * * *

26-2906 Machine guns; sale, etc., illegal. A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26-2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26-2907 Exemptions. Sections 26-2901, 26-2902, 26-2903, and 26-2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract; and (5) district attorneys, investigators employed by and assigned to a district attorney's office, and assistant district attorneys.

A prosecution based upon a violation of sections 26-2901, 26-2902, 26-2903, or 26-2906 need not negative any exemptions.

26-9910a Georgia Firearms and Weapons Act; short title. This law [Secs. 26-9910a through 26-9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26-9911a Same; possession of certain types of firearms, dangerous weapons and silencers prohibited. No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26-9914a.

26-9913a Same; definitions. (a) (1) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) The term "sawed-off shotgun" means a shotgun or any weapon made from a shotgun (whether by alteration, modification, or otherwise) having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun," as used in this law, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or "recoiless rifle," which fires explosive or non-explosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires explosives from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from which a shot, bullet or projectile may be discharged by an explosive.

26-9914a Same; exceptions to provisions of law. The provisions of this law [Secs. 26-9910a through 26-9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U. S. C. 5841-5862).

92A-901. License for dealers. —Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dis-

pose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the Department of Public Safety a license permitting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A-1601. Purchase by Georgia residents in contiguous States. —Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

92A-1602. Purchase in State by residents of contiguous States. Residents of any State contiguous to the State of Georgia may purchase rifles and shotguns in the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which such persons reside.

Adel

Sec. 14-8. Firearms; * * * (c) Regulation of the sale and purchase of firearms and registration of firearms and other purposes:

(1) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas to any person who has not yet attained the age of twenty-one (21) years.

(2) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas within the City of Adel, Georgia, to any person, unless such seller shall verify from the police department of the City of Adel, or from the office of the sheriff of Cook County, Georgia, that such proposed purchaser is a person of good character, and has never been convicted of a felony insofar as is revealed by the records of such office.

(3) Any such firearm as hereinbefore defined purchased from any licensed dealer or individual must be registered with the county sheriff's office, as to make, serial number and from whom it was purchased. Copy of same is to be furnished immediately upon purchase by seller. It shall be the responsibility of the dealer or person selling such firearm to inform and furnish such information to the purchaser, and to notify the sheriff's office of the transaction.

Americus

Section 15-29. Every person desiring to purchase or otherwise acquire in the City of Americus a pistol, revolver, or other type hand gun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type hand gun, [contact local authorities for required contents] * * *.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of the City of Americus.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Americus, deliver or otherwise dispose of a pistol, revolver or other type hand gun, until 72 hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of the City of Americus. Provided however, this 72 hour waiting period may be waived by the Chief of Police of the City of Americus in his sole discretion upon good cause therefor being shown.

No person within the City of Americus shall sell or otherwise dispose of a pistol, revolver, or other type hand gun to any person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 18 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the 72 hour waiting period required by this section, the Chief of Police of Americus or any person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type hand gun, that the applicant is not a fit and proper person to possess the weapon, * * * such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

* * * * *

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind and to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

This ordinance shall not be construed to apply to bona fide gun collectors who have registered and obtained a permit from the Chief of Police of the City of Americus as a bona fide gun collector. The application for a permit as a bona fide gun collector shall be submitted in writing to the Chief of Police of the City of Americus [contact local authorities for required contents] * * *.

Atlanta

Sec. 17-4001 Definition of "pistol." A "pistol", for the purpose of this chapter, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

Sec. 17-4002 License to deal in pistols required; prerequisite to issuance. No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the council to deal in pistols.

Sec. 17-4003. Application for dealer's license; information to be shown. Any person desiring a license to deal in pistols, under the provisions of the preceding section, shall first apply to the council, * * *.

Sec. 17-4011 Registration required by aliens possessing firearms. Every foreign-born alien living within or coming into the city, having or gaining possession of any firearms, such as pistols, rifles, shotguns, machine guns or any other such instruments of any kind and character, shall register same with the director of the bureau of police services, referred to in this chapter as the "director," giving such information as may be required by the mayor or those working under his orders. Aliens coming into the city and bearing or possessing any of the firearms described herein shall register same within 24 hours after arrival within the city.

Sec. 17-4012 Disposition; permit required. After any firearm, as is described in section 17-4011, has been registered with the director, no person shall dispose of same without a permit from the director.

Sec. 17-4013 Application for permit to dispose of firearm. The application for the permit required by the preceding section shall give such information as may be required by the mayor or his designee.

Sec. 17-4014 Notice of purchase, possession to be given to mayor or his designee. No person shall purchase or come into possession of firearms from any alien without notifying the chief of police of his intention a reasonable time in advance and securing permission from such officer to obtain possession of same.

Sec. 17-4021 Definitions. As used in this chapter unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is

designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U. S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U. S. passport.

Person includes an individual, partnership, association or corporation.

Sec. 17-4022 Identification of purchaser. No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining the firearm shall furnish identification to the dealer setting forth his name, present address and age.* * *

Sec. 17-4024 Fingerprint record to be maintained. (a) In addition to the other records and information as called for above, each dealer shall obtain from each person purchasing any firearm the fingerprint of the right hand index finger, unless that finger is missing in which event the print of the next finger in existence on the right hand of the person purchasing the firearm shall be obtained, with a notation as to the exact finger printed. In the event the purchaser has no right hand, the dealer shall require the fingerprint of the left hand index finger, unless that finger is missing, in which event the print of the next finger in existence on the left hand of the person purchasing the firearm shall be obtained, with a notation as to the exact finger printed. Fingerprints and the information as required herein shall be obtained from all persons each time that person purchases any firearm regardless of whether or not that person may have previously purchased a firearm from the dealer and been fingerprinted.
* * *

Augusta

14-8. Ammunition—Sale, etc., to minors. It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen years of age and under with any other kind of ammunition, including rifle and shotgun ammunition * * *.

Chatham County

Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun [contact local authorities for required contents] * * *.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hours waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, * * * such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon * * *.

This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

Columbus

14-64. Same—Notice; investigation; approval; waiting period. No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation; * * * [if] the chief of police * * * [disapproves] the proposed sale, * * * it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. * * *

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14-65. Dangerous weapons; prohibited. No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches. * * *

14-65(c) It shall be unlawful for any person to: (1) Sell any hand gun that does not have a full case hardened barrel, and in the case of automatics, full case hardened working parts able to withstand 2,700 degrees fahrenheit as certified by the manufacturer.

(2) To sell or transfer a hand gun to any person without a certificate from the Chief of Police or his designee that such purchaser or transferee has not been convicted of a felony within five years, and the Chief of Police or his designee shall furnish such certificate within three days from the date of the application for such certificate.

14-66. Exclusion from chapter. 14-65(c) shall be applicable to all persons including pawn brokers and pawn brokers sales stores; the other provisions of the preceding sections of this chapter shall not be applicable to pawn brokers and pawn broker sales stores, they being regulated by provisions of this Code specifically relating to them; but this Chapter is applicable to all other persons, and the words "persons" or "person" as used herein shall in addition to them, include their managers, agents, clerks and employees.

15-8. Prohibited items—Receiving. No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches * * *.

15-9. Same—Possessing. No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15-10. Pistols and cartridges; sale, notice, police findings. All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges

unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation; * * * [if] the chief of police * * * [disapproves] the proposed sale, * * * it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. * * *

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Ordinance 75-14

Section 1. That it shall be unlawful to sell or otherwise convey any handgun to any individual without a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. If said applicant is found to be free of felony convictions, the Chief of Police, or his designee must by law furnish applicant with such certificate at the end of three days from the date application is made. Under no circumstances is the Chief of Police, or his designee, to deny such certificate to any person at any time other than for reason of prior felony conviction.

For those applicants who make multiple handgun purchases during the course of the year, a handgun purchasers identification card shall be made available. This card shall exempt holder from the necessity of obtaining a certificate for each handgun purchased. Said card shall be available from the city license section upon receipt of a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. Card shall contain a physical description and picture of the holder and expense of issuance shall be borne by an issuance fee of $3.00. Card shall be valid for a period of three (3) years from date of issuance.

In the event any holder of a valid handgun purchasers identification is convicted of a felony, such identification shall immediately be revoked by the Chief of Police.

Section 2. Dealers selling handguns may submit application to the Chief of Police or his designee on behalf of the prospective purchaser, and the Chief of Police or his designee may return the certificate directly to the seller submitting the application.

Section 3. Provided, however, that the terms of this Ordinance shall not apply to dealers holding federal firearms license when purchasing handguns. Provided further, that the terms of this ordinance shall not apply to collectors and gun shows which have been exempted from the application of the provisions of Ordinance Number 75-14 by a resolution approved in advance by the Council.

(Note: See Georgia State Criminal Code, Sections 26-2901 to 26-2904.)

Decatur

16-7.1. [Firearms]—Sale, etc., by dealers—Definitions. For the purposes of sections 16-7.2 to 16-7.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any person regularly engaged in the business of selling firearms as defined herein.

Firearms. Any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification. Any driver's license, birth certificate, U. S. military identification card, baptismal or christening certificate, employee's identification card; provided, same shows age and home address of employee and U. S. passport.

Person. An individual, partnership, association or corporation.

16-7.2. Same—Same—Identification of purchaser required. No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearms unless the person obtaining such firearm shall furnish identification to the dealer setting forth his or her name, present address and age.

* * * * *

16-7.4. Same—Same—Fingerprint of purchaser required. * * * (a) Failure to fingerprint the person purchasing such firearm shall constitute an offense under these sections.

* * * * * *

16-25.1. Pistols, revolvers, etc.; sale, etc., of certain types prohibited. It shall be unlawful for any person or persons to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

It shall be unlawful for any person or persons to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver or derringer described in the preceding paragraph, designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles; provided however, that this paragraph shall not apply to any pistol, revolver or derringer to be used in any organized high school, college, professional or other recognized athletic events.

Hapeville

14-21.1. Pocket pistols, revolvers, derringers—Sale, possession, et cetera; * * * (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise forthe purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

Hinesville

Section 1. Firearms—sale—reports—records. Every person desiring to purchase or otherwise acquire in the City of Hinesville a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [Contact local authorities for required contents] * * *. The application in duplicate may take the form of the United States Department of Treasury, Internal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record".

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Hinesville.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth therein.

No person shall, within the City limits of Hinesville, deliver or otherwise dispose of a pistol, revolver, of other type handgun, until forty-eight hours shall have lapsed from the time of receipt of the application in the Office of the Chief of Police of Hinesville.

No person within the City of Hinesville shall sell or otherwise dispose of a pistol, revolver, or other type of handgun to a person whom he has reasonable cause to believe is not fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If within the forty-eight hour waiting period required by this Section, the Chief of Police of Hinesville or person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type of handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, toy weapons of any kind, or to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

Jackson

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or possess any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

Maysville

1. No person shall have in his or her possession within the Town Limits of the Town of Maysville, any sawed-off shotgun, rifle or machine gun, dangerous weapons, or silencers, except as provided below.

* * * * *

3. No person shall sell or place in the hands of an Alien, a Felon, Drug Addict, or Mentally Incompetent, any weapon or explosive device.

4. No person shall sell or possess within the Town Limits any Title II firearms such as fully automatic firearms, or destructive devices such as bombs, grenades, Molotov cocktails, etc., except as noted below.

* * * * *

6. All requirements as to age, permits, license, or other identification required by State of Federal Statute, must be complied with prior to delivery of any weapon to a purchaser within the Town Limits of the Town of Maysville, Georgia. * * * Further, any exceptions as to persons or things enumerated in the various provisions of this Ordinance shall be in accordance with Section 26-9914a, Georgia Code Annotated.

Nashville

Section I. It shall be unlawful for any person, Firm or Corporation to sell to any purchaser any pistol, * * * without complying with the following provisions of this section:

(a) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement [contact local authorities for required contents] * * *.

(b) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him. All as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, of any, shall be entered on said form by said seller in the place provided.

Section II. Be it further enacted that any person engaged in the sale of revolvers or pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor and is prohibited from selling any pistol to any minor.

Rossville

Sec. 15-2. Registration of firearms sales. (a) All wholesale and retail sellers, vendors and merchants selling, exchanging, or anywise changing ownership or title to any and all kinds or types of firearms within the city, or conveying and transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. Such record and registration shall disclose the name of purchaser, buyer or vendee; the make, model, serial number, and caliber of said firearms.

Savannah

Article B. Sale of Firearms

Section 6-1021 Report and Record. (a) Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [contact local authorities for required contents] * * *

(b) The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Police Chief of the City.

(c) It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

(d) No person shall, within the City, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Police Chief of Savannah.

(e) No person within the City shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is a drug addict, or is a person who has been convicted of a crime of violence.

(f) If, within the seventy-two hour waiting period required by this Section, the Police Chief of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under twenty-one (21) years of age, is a drug addict or is a person who has been convicted of a crime of violence; such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

(g) A crime of violence, as used in this article, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

(h) This section shall not be construed to apply to toy pistols, toy revolvers or toy weapons of any kind. This section shall also

not be construed to apply to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes. * * *

Section 6-1022 Purchaser must have permit or license. No person shall sell or deliver to any purchaser a pistol or firearm of similar character until and unless the purchaser has presented to the seller a permit or license issued under existing State law authorizing the purchaser to carry such weapon.

Snellville

Snellville enforces the State law.

Tifton

Section 1. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to anyone, to exchange or keep for the purpose of sale, any of the following weapons: a shotgun or rifle with barrel length of less than 18 inches, * * *.

Section 2. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to any purchaser a rifle, shotgun or pistol without complying with the following regulations:

(A) At the time of the sale or barter, there shall be obtained from the purchaser in writing the following information: buyer's name, height, weight, race, residence address, date of birth, place of birth and answers by the buyer to [those questions required by law; contact local authorities for those questions required by Tifton] * * *. This information will be obtained from the purchaser on a written form which the purchaser must sign and date.

(B) Any person, partnership, corporation, pawn shop or firm selling or bartering a firearm as provided in this Section shall provide to the Police Department of the City of Tifton the following information in writing: the manner in which the buyer of the firearm has identified himself to the seller, the type, model, caliber or gauge, serial number and manufacturer of the firearm.

(C) The information set out above in (A) and (B) shall be placed upon a printed form provided by the Police Department of the City of Tifton and shall be made by the seller in duplicate. The original of such form showing such information shall be delivered by the seller to the Police Department of the City of Tifton on same day that the firearm is sold or bartered, such delivery shall be made by hand or by placing the original in the U.S. Mail addressed to the Police Department of City of Tifton.

Section 3. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm required by Section 2 hereof to obtain the information set out in (A) of Section 2 hereof to either fail to obtain such information or fail to provide such information to the Police Department of the City of Tifton as required by (C) of Section 2 hereof.

Section 4. It shall be unlawful and a violation of this Ordinance for any person buying or bartering for a firearm as set out in Section 2 hereof to give false information to seller or to answer falsely any questions set out in (A) of Section 2 hereof.

Valdosta

Sec. 18-39. Weapons—Sales of, regulated. (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, * * * without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser * * * (a statement) [contact local authorities for required contents]

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. * * *

(b) The foregoing provisions of this section having been complied with, the police department shall then advise the merchant or dealer that he may, or may not, as the case may be, sell to the prospective purchaser the item sought to be purchased. * * *

Waycross

Chapter 7.

Sec. 1. Definitions. The following words as used in this chapter shall have the meanings ascribed to them:

(1) Firearm. The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action, caliber or gauge.

(2) Ammunition. The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

Sec. 2. Permit to purchase, receive or accept—Required. It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give, or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

Sec. 6. Same—Transfer at time of sale and at time of reports. It shall be the duty of any person who sells, transfers or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. * * * * *

Sec. 10. Hours when exchange of firearms prohibited. It shall be unlawful for any person to purchase, receive or accept in any manner, or to barter or give away any firearm or ammunition between the hours of 5:00 P. M. and 5:00 A. M.

Winder

Sec. 17-45. Responsibility for violation of section 17-44 [Discharge of firearms, similar firearms, prohibited] by minor. It shall be deemed a violation of section 17-44 for any parent or person in control of children to permit a minor child to do the acts forbidden in section 17-44, or to furnish such minor child with firearms, including rifles, pistols, shot-

guns, air rifles or other similar devices; and such person by furnishing such instruments and allowing such minor child to violate the terms of section 17-44 shall also be deemed a violator of section 17-44 in the aiding and abetting of the minor child by his failure to forbid the said minor to do the acts prohibited.

Guam

Territorial Law

Govt. Code, Territory of Guam

8900. As used in this Chapter: (a) 'Firearm' means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

(b) 'Pistol' or 'revolver' means any firearm of any shape whatever, and designed to be fired with one hand with a barrel less than twelve inches (12") in length and capable of discharging loaded ammunition or any noxious gas.

(c) 'Rifle' means a firearm designed, made, redesigned or remade, and intended to be fired from the shoulder and to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such firearm which may be readily restored to fire loaded ammunition, and any antique rifle or long gun, regardless of the type of charge or projectile used, which is capable of being used as a weapon.

(d) 'Shotgun' means any firearm designed, made, redesigned or remade and intended to be fired from the shoulder and to fire through a smooth barrel either a number of projectiles (ball shot) or a single projectile, and shall include any such firearm which may be readily restored to fire any of the above, and shall also include any firearm of any age designed and capable of firing the above-mentioned projectiles.

(e) The terms 'Director' and 'Department' means the Director of Revenue and Taxation and the Department of Revenue and Taxation respectively.

8900.1. This Chapter shall not apply to: (a) Law enforcement officers when using firearms authorized by the Director in their official duty.

(b) Persons in the Armed Forces of the United States engaged in official duty.

(c) Devices which are not designed or redesigned for use as a weapon. Any device, although originally designed as a firearm, which has been redesigned, or was designed initially for use as, a signalling, pyrotechnic, line-throwing, safety, industrial or similar device, surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of Sections 4684(2), 4685 or 4686 of Title 10 of the United States Code is not covered by this Chapter.

8901. Ownership, etc. of certain firearms prohibited. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle having a barrel length of sixteen (16) inches or greater, or not a shotgun having a barrel length of eighteen (18) inches or greater, or a revolver or pistol having a barrel length of more than twelve (12) inches is prohibited. Mufflers, silencers, or devices for deadening the sound of discharged firearms are also prohibited. Any person violating this section shall be guilty of a felony.

8901.1. Ownership, etc. permitted. Any person who qualifies under this Chapter may lawfully own, possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by Section 8901 subject to the conditions and penalties provided in this Chapter.

8901.2. Dealer, etc. must register. Any person who is in the business of selling, buying, renting, or trading any firearm shall register with the Department of Revenue and Taxation under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in any of the above activities. The term 'in the business of' shall mean any person, natural or legal, who engages in the above activities for profit or who so engages on behalf of others, but shall not include private sales, loans, gifts or transfers of lawfully possessed firearms which have been registered and possessed under the provisions of Sections 8901.1 and 8903 of this Chapter.

8902. Identification card required. No person shall own, possess, use, carry or acquire any firearm which is lawful under Section 8901.1 unless he shall have first obtained from the Department an identification card evidencing his right to such ownership, possession, use or carrying, concealed or otherwise, as stated upon the face of the Card. Said Card shall be in the possession of the holder and on his person whenever he is using or has in his possession a firearm. * * *

8902.2. Same: restrictions. (a) No identification card shall be issued unless the Department is satisfied that the applicant may lawfully possess, use, carry, concealed or otherwise, own, or acquire the type of firearm stated in the application and upon the face of the identification card.

(b) No person shall be issued an identification card:

(1) Who has been convicted by any court of the United States, a state, territory, possession, Trust Territory or political subdivision thereof of any felony, or

(2) Who is an alien, except temporary permits may be issued to aliens for use only at target ranges operated by persons possessing permits therefor and who are citizens, or only for use at authorized sporting events, and except for official representatives of foreign governments in their official capacities, or

(3) Who is presently charged by information or indictment with any crime stated in (b)(1) above, or

(4) Who has been adjudicated incompetent, has been committed to any mental institution, or

(5) Who is under the age of eighteen (18) years, or

(6) Who has been convicted of any violation of the Uniform Controlled Dangerous Substances Act or any misdemeanor where personal injury or use of firearms was an element or factor of the offense unless the Director has determined that the offense was committed more than ten (10) years previously and that the applicant would not endanger the public safety by receiving an identification card, or

(7) Who, in the determination of the Director appears to suffer from a physical or mental disease or defect which would adversely affect the safe use of the firearm applied for, unless the person obtains a certificate from a licensed physician stating that the physical or mental disease or defect would not adversely affect his safe operation of the firearm or the public safety.

8903.2. Upon transfer to a pawnbroker, and upon retransfer from the pawnbroker to either the owner, or to another person, a new registration must be obtained. * * *

8904.1. (a) No person may use or possess a firearm, regardless of ownership of the firearm, without possession of an identification card evidencing his eligibility to possess, use or carry such firearms.

(b) No person shall transfer, loan, give, sell either as a part of a business or individually, or permit the use of any firearm unless the person receiving the firearm has an identification card evidencing his eligibility to receive, possess, use and carry the type of firearm which he is to receive, borrow, use, buy or possess or carry. * * *

(d) No person shall wilfully alter, remove, or obliterate the name of the make, model,

manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

* * * * *

8905. Dealers, etc. must register. Any person who is a dealer, manufacturer, wholesaler, or retailer of firearms or ammunition within the territory of Guam who must register pursuant to Section 8901.2 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms sold, manufactured, bought or repaired by such business, to the security of the storage areas of the business wherein the firearms are stored and any other information deemed necessary by the Department. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business of the person or firm so registered, and copies to be displayed at each location where firearms are sold.

8905.1. Any person or firm licensed pursuant to Section 8901.2 shall, in the conduct of his business: * * * * *

(3) Permit only persons who are holders of identification cards making them eligible to purchase, possess and use the firearms sold by the registrant or repaired by the repair facility to have access to the firearms or ammunition, except that nothing in this section shall be construed to require a customer to show an identification card prior to his engaging in a transaction for which an identification card is required by this Chapter.

(4) Sell only to persons who have a valid identification card making them eligible to purchase, own, possess, use and carry the firearm or ammunition which is the subject of the transaction. * * * * *

8905.2. No person, other than the owner or possessor of a firearm, may accept any firearm for repair without having first been shown a valid identification card showing the person delivering the firearm to such person accepting it for repair to be eligible to possess the firearm in question. No firearm shall be returned to any person after repair or other work done on it without the repairer having seen the identification card of the one to whom the firearm is to be given.

* * * * *

Hawaii

State Law

Hawaii Rev. Stats.

Sec. 134-1 Definitions. As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

"Electric gun" means any portable device which is electrically operated to project a missile or electromotive force. It does not mean to include any electric livestock prod used in animal husbandry.

Sec. 134-2 Registration, mandatory. Every person arriving in the State who brings with him firearms of any description, whether useable or unuseable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

Registration shall not be required for: (a) any device designed to fire loose black powder; (b) a device not designed to fire or made incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition; and/or (c) all unserviceable firearms and destructive devices registered with the Director, Alcohol, Tobacco, and Firearms Division of the U.S. Internal Revenue Service as provided in Part 179 of Title 26, Code of Federal Regulations.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained. * * * * *

Sec. 134-3 Permits to acquire; registration; penalty. No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; * * * [*See local police for details*]

Sec. 134-4 Transfer of rifles and shotguns. No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of eighteen years, and no person under the age of eighteen years shall possess any such rifle or shotgun, except as provided by section 134-5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191-1 to 191-6 and a firearms permit under section 134-3.

Sec. 134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty. (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor. * * * * *

Sec. 134-8 Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, or rifles with barrel lengths less than 16 inches, or shotguns with barrel length less than 18 inches, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any hand grenade, dynamite or other explosives, blasting caps, bombs or bombshell is prohibited. * * *

Sec. 134-10 Alteration of identification marks prohibited; penalty. No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. * * *

Sec. 134-11 Exemptions. Sections 134-6 to 134-9 shall not apply:

(1) To members of police departments, sheriffs, members of military and naval forces of the State and of the United States, mail carriers, and law enforcement officers;

(2) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are at, or going to or from their places of assembly, or target practice;

(3) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while the persons are in the performance of their respective duties, or while going to and from their respective places of duty;

(4) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or his duly authorized representative may enter into compacts with other states to carry out this section.

Nor shall sections 134-2 and 134-3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

Sec. 134-16 Restriction of materials for manufacture of pistols or revolvers. It shall be unlawful for any person, including a licensed manufacturer, licensed importer or licensed dealer, to possess, sell or deliver any pistol or revolver which is not duly registered pursuant to section 134-2 prior to July 1, 1975, if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800 degrees Fahrenheit.

Any person who violates this section shall be guilty of a misdemeanor.

This section shall not apply to any pistol or revolver duly registered prior to July 1, 1975, pursuant to section 134-2, or to any antique pistol or revolver.

The term antique pistol or revolver means any pistol manufactured in or before 1898 and any replica of such pistols or revolvers if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Sec. 134-31 License to sell and manufacture firearms; fee. Any person desiring to engage in the business to sell and manufacture firearms for sale in the State either at wholesale or retail, shall annually file an application for a license therefor with the director of finance of each county of the State. * * *

Honolulu, City and County of

Honolulu uses the Hawaii Revised Statutes as published in this volume with a few exceptions: delete the third (and last) paragraph from Sec. 134-2, delete "penalty" from Sections 134-8 and 134-10, delete the entire Sec. 134-31.

Idaho

State Law

Idaho Code

18-3302. Concealed and dangerous weapons—Possession and exhibition—Sale to minors. If any person, excepting officials of a county, officials of the state of Idaho, officials of the United States, peace officers, guards of any jail, or any officer of any express company on duty, shall carry concealed upon or about his person any * * * pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the state of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than $25.00 nor more than $200.00, and by imprisonment in the county jail for a period of not less than twenty days nor more than ninety days: provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity therefor.

18-3308. Selling explosives, ammunition or firearms to minors. No person, firm, association or corporation shall sell or give to any minor under the age of sixteen years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than $100, or be imprisoned in the county jail not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment in the discretion of the court.

18-3314. Resident's purchase of firearm in contiguous state. Residents of the state of Idaho may purchase rifles and shotguns in a state contiguous to Idaho, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such a purchase in Idaho and in the contiguous state in which the purchase is made.

Illinois

State Law

Ill. Ann. Stat.

38 Sec. 24-1. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm: or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which 8 or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; * * *

* * * * *

A "stun gun or taser", as used in this paragraph (a) means any device which is powered by electrical charging units, such as, batteries, and which, fires one or several barbs attached to a length of wire and which, upon hitting a human can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.

38 Sec. 24-2. Exemptions. * * * * *

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this Subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible. * * * * *

(g) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

38 Sec. 24-3. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States; or

(h) While holding any license under the Federal "Gun Control Act of 1968", as amended, as a dealer, importer, manufacturer or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended; (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(i) Paragraph (h) of this Section shall not include firearms sold within 6 months after enactment of this amendatory Act of 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of this amendatory Act of 1973 be subject to confiscation or seizure under the provisions of this amendatory Act of 1973. Nothing in this amendatory Act of 1973 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of this amendatory Act of 1973.

(j) Sentence. Unlawful sale of firearms is a Class A misdemeanor.

38 Sec. 24-3.1 Unlawful Possession of Firearms and Firearm Ammunition. (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(b) Sentence. Unlawful possession of firearms and firearm ammunition is a Class A misdemeanor.

38 Sec. 24-5. Defacing Identification Marks of Firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class A misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

38 Sec. 83-1. Legislative Declaration. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the "Criminal Code of 1961", as amended, from acquiring or possessing firearms and firearm ammunition.

38 Sec. 83-1.1 Definitions. For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter.

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

38 Sec. 83-2. Requisites for Acquisition or Possession—Exempted Persons or Entities. (a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed force of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

38 Sec. 83-3. Requisites for transfer. (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act. * * * * * (c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Chapter 38, Sec. 83-2.)

38 Sec. 83-6. Contents of Identification Card. A Firearm Owner's Identification Card, issued by the Department of Law Enforcement at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION-This card does not permit bearer to UNLAWFULLY carry or use firearms."

Abingdon

6-2-3-15: Unlawful use of weapons: (A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

6-2-4-14: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm * * * * *

Atlanta City

6-2-3-15: and 6-2-4-14: *same as* Abingdon Code.

Aurora

Division 1. Generally

Sec. 48-11. Dealer's license required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

* * * * *

Sec. 48-17. Disposing of weapon to unauthorized persons. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 48-11, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as hereinafter required.

* * * * *

Division 3. Gunsmiths

Sec. 48-33. License required. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm, which can be concealed on the person without securing a license so to do.

* * * * *

Addison

2. Permit. It shall be unlawful for any person to sell or give away to any person within the Village of Addison any firearm unless such person so purchasing or receiving such firearm shall have a valid State of Illinois Gun Owner's Identification Card and shall have secured a written permit for the purchase of said firearm from the Chief of Police, and it shall be the duty of the person selling or giving away firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the

Chief of Police or his deputy to enter for inspection during normal business hours, all stock on hand and shall on request of such officer, produce for inspection all written permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept.

4. Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the Village of Addison.

Alton

4-17-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, shotgun and rifle (capable of being concealed on the person), antique firearms, * * * without securing a license so to do * * *.

Arlington Heights

Article XXXIII—Gun Dealers.

Section 14-3301 Gun Dealers—License Required. No person shall engage in the business of selling firearms, ammunition, black powder, smokeless powder, or any other propellant, without first having obtained a business license therefor from the Village of Arlington Heights pursuant to the provisions of Chapter 9 of this Code. * * * * *

Section 14-3304 For the purpose of this ordinance, "firearm" shall not mean an antique firearm (other than a machine-gun) which, although designed as a weapon, is by reason of the date of its manufacture, value, design and other characteristics primarily a collector's item and is not likely to be used as a weapon, or which is designated as a collector's item or antique firearm by state or federal law."

Bartlett

23.014 Firearms—Minors. It shall be unlawful to sell, loan, or furnish to any minor any gun, rifle, pistol, shotgun or other firearm.

Beecher

* * * * *

6-1-7 * * * * * (B) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, pistol, fowling piece or other firearm within the limits of the Village.

Belvidere

Sec. 133.006 Unlawful use of weapons; prohibited. (A) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * * * *

Sec. 133.014 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or

(7) Delivers any firearm, of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made; or delivers any rifle, shotgun or other long gun incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However this paragraph shall not apply to:

(a) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(b) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

* * * * *

Sec. 133.015 Unlawful possession or acquisition of firearms or ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

* * * * *

Bensenville

42.08 Firearms to minors. No persons shall sell, loan or furnish to any minor any gun, pistol or other firearm * * * within the village.

Berkeley

Ordinance 69-12

Section one: That it shall be unlawful for any firm, business or corporation within the Village of Berkeley, to manufacture for sale, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as a pistol, revolver, shot gun, rifle, * * * or any other offensive and dangerous weapon or instrument, or to give or sell a pistol or firearm to any person.

Berwyn

36-6. Definition. "Firearms," for the purposes of this article, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

36-7. License to sell concealable firearms required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any firearms which are of such size of nature as may be concealed upon the person, without securing a license therefor.

36-9. Licensee not to sell concealable firearms; exception. No person having se-

cured a license required by section 36-7 of this Code, shall sell, loan or give away any firearm described in section 36-6 of this Code to any person who has not secured a permit from the chief of police to purchase such firearm.

36-11. Persons ineligible for permits. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Bloomington

69. Minors—selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or toy firearm in which any explosive substance can be used * * * or other deadly weapon of a like character.

Blue Island

2273. 1.01—Definitions. For the purposes of this ordinance—

A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means:

(1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection D.(1) if such replica—

(a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail,

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, or

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

2.01 Unlawful Sale or Other Transfer of Deadly Weapons. It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the City of Blue Island, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1 as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section 4.02 of this ordinance.

G. A licensed collector of deadly weapons.

H. A licensed dealer in deadly weapons.

3.01—Dealer License Required. No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the City of Blue Island, Illinois, without securing a license therefor.

4.02—Sale or Other Transfer to Private Security Personnel. Any dealer in deadly weapons who sells or otherwise transfers a deadly weapon to any watchman, bank guard, armed truck guard or other similar private security personnel shall before making such sale or transfer request and receive from such person's employer a letter stating that such person is employed as a private security guard and requires the deadly weapon which he is seeking to obtain from the dealer.

Bolingbrook

* * * * *

19-406. License Required. It shall be unlawful for any person to engage in the business of selling any concealable firearms, * * * derringer * * * or deadly weapons which can be concealed on the person, without securing a license from the Village of Bolingbrook to do so.

19-413. Unlawful use of weapon: (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

* * * * *

19-414. Defacing identification marks of firearms: It shall be unlawful for any person to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm. Possession of any firearm upon which any such mark shall have been

changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

19-420. Permit required for purchase of concealable weapons—Application; Ineligible applicants. (A) No sale of any revolver, pistol, or other deadly weapon which can be concealed on a person shall be made by any licensee under this article to any person unless such person shall first exhibit to the licensee a permit for the purchase thereof, as issued by the Chief of Police of the Village.

(B) Before any permit required by this section can be granted, an application in writing must be made to the Chief of Police. * * *

Brookfield

Sec. 29-1. "Firearms" defined. "Firearms," for the purposes of this chapter, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 29-2. Permit to purchase firearms. No person shall purchase a firearm without having secured a permit so to do from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age, or an alien. Application for such a permit shall state the type of firearm desired and the name, age, sex, residence, nationality, height, weight and complexion of the applicant. Recommendation by two (2) or more citizens of the village of the good moral character of the applicant shall accompany each application for permit under this section.

No person, whether licensed by the village or not, shall sell, loan, or give away any firearm to any person who has not secured a permit from the chief of police as required by this section.

Cahokia

4. No person, firm or corporation shall sell or give or loan to any person under the age of 18 years any firearm or other deadly weapon in the Village of Cahokia, Illinois.

Calumet Park

Ordinance 76-256

Section 1: That it shall be unlawful for any person, firm, business, corporation, association or otherwise, within the corporate limits of the Village of Calumet Park, to manufacture for sale or cause to be manufactured, sell, give, keep for sale, offer, or otherwise dispose of, in usable form, any instrument or weapon of any kind usually known as a pistol, revolver, shotgun, rifle or any other offensive and dangerous weapon or instrument.

* * * * *

Carpentersville

8-39. Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufacturers, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device. * * *

Subsection * * * (g) shall not apply to or affect any of the following:

(a) Peace officers.

(b) Manufacture, transportation, or sale of machine guns to persons authorized under (a) of this subsection to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible. * * *

8-40. Unlawful Sale of Firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Centralia

16-1-4. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * * or * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device.

C. Subsection 16-1-4 (7) shall not apply to or affect any of the following:

(1) Peace Officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns, to persons authorized under (1) through (3) of the subsection to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible.

16-1-6. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to any narcotic addict; or

(3) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Champaign

13.505. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, * * * or sawed-off shotgun. And no pawnbroker shall display in his window or shop any such weapons for sale.

22.209. Weapons. It shall be unlawful to carry or possess any firearm or weapon in the City in violation of the laws of this State.

Chicago

Registration

11.1-4 At the time of sale the seller shall complete a registration form, designed or approved by the Director of Revenue, [contact local authorities for required contents] * * *.

11.1-5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

* * * * *

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who pos-

sesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

Unlawful Acts

183-1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

183-6. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 183-1, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

183-7. It shall be unlawful for to purchase any deadly weapon mentioned in section 183-1, which can be concealed on the person without first securing from the superintendent of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] * * *

183-9.1 Gunsmiths. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

Chicago Heights

30-101. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

30-104. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of this state under which the firearm is mailed to a point outside the boundaries of this state; or

(3) The sale of a firearm to a nonresident of this state while at a firearm showing or display recognized by the state department of public safety; or

(4) The sale of a firearm to a dealer licensed under the federal firearms act.

30-105. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Chicago Ridge

Section 1—License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, loan or give away to any person within the Village any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used or other weapon of like character without securing a license so to do as hereinafter provided; and no person, firm or corporation having secured such a license shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5—Permit. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character without first securing from the Village Clerk a permit so to do. Before any such permit is granted an application in writing shall be made * * * [contact local authorities for required contents]. Before issuing such permit the Village Clerk shall refer the same to the Chief of Police * * *. In addition the Chief of Police shall make such inquiry or investigation as shall be necessary to ascertain whether or not the applicant is entitled to receive such a permit * * * * *.

Section 6—Refusing permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to a) All persons having been convicted of any crime; b) All minors.

Cicero

38-7. Minors using firearms. No person shall sell, loan or furnish to any minor any gun, pistol or other firearms, or any toy gun, toy pistol or other toy firearms, in which any explosive substance can be used, within the town, under a penalty of not more than one hundred dollars for each offense; provided, that minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

38-9. Sale or gift of deadly weapons concealable on person—License—Required.

It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

38-12. Same—Application to, permission from, superintendent of police required. No pistol, revolver, * * * derringer, * * * or other deadly weapon can be sold unless application is made to the superintendent of police of the town stating that a request has been made for the purchase of a pistol, revolver, * * * derringer, * * * or other deadly weapon * * *

38-14. Same—Prohibited to other than licensed dealers, or persons granted permits. It shall be unlawful for any person to sell, barter, or give away to any person within the town, any deadly weapon mentioned in section 38-9, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police of the town as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

38-15. Same—Purchasers required to obtain permit; permits prohibited to minors and persons convicted of crime. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38-9 which can be concealed on the person without first securing from the superintendent of police of the town a permit so to do. * * *

Clarendon Hills

Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm, * * * within the Village of Clarendon Hills, under a penalty of not less than five dollars not more than fifty dollars for each offense.

Colchester

Sec. 4-30. Weapons—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Countryside

8-11.01 License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away, any loaded paper shells, metallic shot, loaded cartridges, bank cartridges, percussion caps, primers, detonators, or any other explosives without having first obtained a license therefor.

8-11.11 Minors. It is hereby declared to be unlawful for any person to sell, deliver, or give to any person under eighteen years of age any of the items set forth in 8-11.01.

Crest Hill

1. Violation. It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, * * * or other weapons of like character without securing a license to do so.

3. Sale to minors. None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.

5. Permit. No sale of any revolver, pistol, * * * or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a permit for the purchase thereof, issued by the chief of police of this city. * * * It shall be the duty of the chief of police to refuse such permit to all minors or persons having been convicted of any crime.

Creve Coeur

6-2-17: Unlawful use of weapons: (A) It shall be unlawful for any person to: 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *.

DeKalb

52.10 Firearms * * * (b) Selling to minors. No person shall sell, give, loan or furnish to any minor within the City any pistol, revolver, * * * derringer, * * * (shotguns and rifles excepted).

Decatur

41-1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance can be used; * * * * *

Downers Grove

Sec. 15-13. Same—Sale to minors. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, * * *

Dupo

24.23. Age limitation. * * * No person, firm or corporation shall sell or give or loan to any person under the age of eighteen (18) years, any firearm or other deadly weapon in the Village.

Duquoin

20-65. Purchasing from or selling, loaning or furnishing weapons using explosive substances to persons under the influence of alcohol, etc., agitated persons, or minors. It shall be unlawful to purchase from or to sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Durand

Sec. 12-7. Unlawful use of weapons. * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

* * * * *

East Alton

6-3-3-15: Unlawful use of Weapons: (A) It shall be unlawful for any person to: * * * * *

6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

* * * * *

East Dundee

Sec. 1. Unlawful Use of Weapons 1. A person commits the offense of unlawful use of weapons when he knowingly:

a. Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * *

* * * * *

f. Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm.

* * * * *

Sec. 3. Unlawful Sale of Firearms 1. A person commits the offense of unlawful sale of firearms when he knowingly:

a. Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

b. Sells or gives any firearm to any narcotic addict.

c. Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed.

* * * * *

Sec. 5. Defacing Identification Marks of Firearms * * * * * 2. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

East Peoria

10-1-3-15: Unlawful use of weapons. (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

1. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell or give away to any person within the City, or to bargain or negotiate with any person within the City for any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *.

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, * * * or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police * * *.

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit so to do * * *.

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Elmhurst

51.19 Firearms to minors. No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.

Elmwood Park

52-3. Definition of "firearm". Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52-5. License to sell firearms—Required. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

52-7. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. * * *

52-8. Sales, etc., of firearms to persons without permit. No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52-11. Sale, etc., of firearms to minors. No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48-6. Permit for purchase of pistol; inspection of stock, etc. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police * * *

48-7. Selling firearms to minors. It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.

Evergreen Park

Sec. 32-2. Certain acts involving weapons deemed unlawful—In general. It shall be unlawful for any person to knowingly:

(a) Sell, manufacture, purchase, possess or carry any * * * shotgun with a barrel less than eighteen inches (18) in length * * * * *

(f) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sell, manufacture, purchase, possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device.

Sec. 32-3. Same—Exceptions. The preceding section 32-2 shall not apply to peace officers or any persons summoned by any such officer to assist in making arrests or preserving the peace while he actually is engaged in assisting such officer.

Sec. 32-11. License required to engage in business or to sell or give away deadly weapons. It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, * * * or other deadly weapon, which can be concealed on the person without securing a license so to do.

Sec. 32-17. Limitations on sale or gift of deadly weapons; exception. It shall be unlawful for any person to sell, barter, or give away to any person within the village, any deadly weapon mentioned in section 32-11, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as here-

inafter required. This section shall not be construed to apply between licensed dealers.

Sec. 32-18. Purchaser required to secure permit to purchase deadly weapon; application; fingerprinting; grounds for disapproval; fee. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 32-11, which can be concealed on the person without first securing from the chief of police a permit so to do. * * * * *

Sec. 32-36. License required to engage in business. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer or other firearm, which can be concealed on the person without securing a license so to do.

Forest Park

20-6A. Firearms—Concealed Classification. It shall be unlawful for any person in the Village of Forest Park to sell, give away, transfer or deliver any revolver, pistol, handgun or firearm that may be concealed upon a person, to anyone who is not a: 1. U. S. Marshall, or 2. Federal official required to carry firearms while engaged in the official operation of their duties, or 3. Law enforcement official of Forest Park or any other governmental jurisdiction, or 4. Licensed Private Detective.

* * * * *

Fox Lake

26.03. Weapons. (a) A person who is not a village officer, shall not carry about his person any concealed pistol, * * * or any other weapon or thing of deadly character.

(b) No person shall sell, give or transfer any such weapon to any minor person.

Fox River Valley Gardens Village

Section 7. Unlawful use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limted to black powder bombs and Molotov cocktails; * * *

Franklin Park

17-202. Affidavit required for sales. (a) No person licensed under the provisions of this article having secured such a license, shall sell or give away any deadly weapons as defined in this division to any person within this village who has not filled out, signed and had witnessed by a notary public a federal firearms affidavit.

(b) It shall be unlawful, for any person to purchase any deadly weapon as defined in this article without filling out a federal firearms affidavit in writing * * * Upon witnessing the identification of the applicant, the officer of the company, clerk or secretary, holding a notary public seal from the state shall notarize the affidavit. It shall be the duty of the notary, upon witnessing the identification of the applicant to affix his notary seal and sign the affidavit, refusing any applicant whom he concludes is a minor, lacks proper identification, shows physical signs of being a narcotic, or is unemployed.

17-211. Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the village, any deadly weapon as defined in this article, without securing a license so to do as provided in this division and the general licensing provisions of this chapter.

Geneva

19-10. Unlawful use of weapons.

(b) A person commits the offense of unlawful use of weapons when he knowingly: * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufacturers, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

Gibson City

8.21 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the City, sell to any person under the age of twenty-one (21) any gun, pistol, fowling piece, * * * or other firearm or device which is calculated or intended to propel or project a bullet, pellet * * * or similar projectile, without written permission of parent or guardian.

Glencoe

Sec. 24-49. Same—Sale of weapons which can be concealed. It shall be unlawful to sell any firearms which can be concealed on or about the person in the village.

Sec. 24-50. Same—Sale, etc., to minors. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun within the village.

Glendale Heights

10-6-5-1: Unlawful use of weapons. * * * * *

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

10-6-5-2: Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been

any person ineligible to register a hand gun in accordance with the requirements of Sections 134.007 and 134.010, nor to any person who fails to meet the standards for Federal and Illinois Dealer's licenses.

Hillsdale

(A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots, or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18) in length, or any bomb, bomb-shell, grenade, bottle or other container containing explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * * * *

Hodgkins

1. License to sell, loan or give away: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within the Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Hoffman Estates

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon * * *

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Homewood

53.18 Dealers in weapons. (a) Definition. The term "deadly weapon" as used in this section shall include any pistol, * * * derringer, * * * or any other object of similar nature which can be concealed on the person.

(b) License Required. No person shall engage in the business of selling or sell or give away any deadly weapon without a license. * * *

(c) Sale Procedure. 1. No deadly weapon shall within the Village be sold, traded or given to any person who fails to present a permit to purchase issued by the Chief of Police. * * * * *

(d) Purchase Permit. It shall be unlawful for any person to purchase or receive any deadly weapon which can be concealed on the person without first obtaining a permit so to do from the Chief of Police. * * *

(e) Gunsmiths. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without a license. * * * * *

53.19 Sale of weapons to minors. No person shall sell, loan, or furnish to any minor, any gun, pistol or other fire-arm, * * * or ammunition for any fire-arm * * *, within the limits of the Village.

Island Lake

7. Unlawful use of weapons. (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails * * *.

Jerseyville

Sec. 20-66. Unlawful use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Sec. 20-67. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of the state or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state;

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety;

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Joliet

Sec. 32.19. Licensed required. It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, * * * or other weapons of like character without first securing a license to do so. * * *

made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois;

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded in for the firearm purchased, in whole or in part.

10-6-5-3: Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person;

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession;

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearm or firearm ammunition in his possession;

(d) He is a narcotic addict and has any firearm or firearm ammunition in his possession;

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearm or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearm or firearm ammunition in his possession.

Glen Ellyn

6-2-3.13: Weapons: (E) Sales to Intoxicated Persons and Minors: No person shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen (18) years.

Granite City

Ordinance 1863

Section 1: It shall henceforth be unlawful for any person, firm, or corporation to sell, display for sale, or offer to sell to any minor, any revolver, pistol, shotgun or rifle * * * .

Section 2: It shall be unlawful to sell or offer to sell to any minor any shell, cartridge, charge, pellet, ammunition or other device to be used, discharged or propelled from any of the items mentioned in Section 1 hereof.

Hampton

Ordinance 276

* * * * *

Section 2. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Section 3. No person, firm, or corporation shall sell, give or loan to any alien or to any minor under the age of 18 years any firearm of a size which may be concealed upon the person.

Harvey

29-374. No person shall sell, loan, or furnish to any minor, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm, in which any explosive substance can be used, * * * or any similar weapon or device within the city, * * *

Harwood Heights

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon * * *

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

29-6. Refusing Permit: It shall be the duty of the Chief of Police to refuse his approval of such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Hialeah

Ordinance 897

Section 1. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor under seventeen (17) years of age.

Section 2. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

Highland Park

134.001. Definitions: For the purpose of this chapter. (A) The term "person" includes any individual, corporation, company, association, partnership, society or joint stock company.

(B) The term "hand gun" means any device, or part of a device, by whatever name known, which is designed or may be readily converted to expel a projectile or projectiles by the action of an explosive, expansion of gas or air, or escape of gas or air, having an overall length of 18 inches or less and designed to be held and operated with and by one hand.

(C) The term "Chief of Police" means the head law enforcement officer of the City of Highland Park or his duly authorized agent.

134.002. Manufacture, assembly, sale prohibited—special permit. No person shall engage in the business of manufacturing, assembling or selling, within the corporate limits of the City of Highland Park, any hand gun as defined in Section 134.001 of this Code, except in compliance with the provisions of this Chapter. No person shall engage in the business of manufacturing, assembling or selling such hand guns without first having been granted a special permit therefor by the City Council. No such permit shall be granted to

Sec. 32.21. Sales to minors. None of the articles governed by this article or of like character, shall be sold to any minor.

Sec. 32.22. Permit required for concealable weapons; application; contents; ineligible applicants. (a) No sale of any revolver, pistol, * * * or other deadly weapon which can be concealed on the person shall be made by any licensee under this article to any purchaser unless the purchaser shall first exhibit to the licensee a permit for the purchase thereof, issued by the chief of police of the city.

(b) Before any permit required by this section is granted, an application in writing shall be made to the chief of police [contact local authorities for required contents]. * * *

La Grange

Sec. 115-320. Weapons. No pawnbroker shall receive or have in his possession as a pledge or purchase, any revolver, pistol, machine gun, * * * or sawed-off shotgun, or display in his window or shop any such weapons for sale.

Sec. 136-1. Unlawful use of weapons.

(A) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * *.

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.

Lake Villa

9-1. Unlawful Use of Weapons: (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or any attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance such as but not limited to black powder bombs and Molotov cocktails; or * * * * *

Leroy

42.03 (b) No person shall sell, give or transfer any [concealed pistol] to any minor person.

Lindenhurst

41.01 Gun dealers—license required. No person shall engage in the business of selling or sell or give away any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so as provided in Chapter 31.

41.06 Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Village Marshal as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the Village.

41.07 Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Village Marshal a permit to do so. * * *.

41.08 Revocation of license. In case the Village Marshal revokes a license for the selling of such weapons, no other such license shall be issued to such licensee for a period of three (3) years thereafter.

41.09 Gunsmiths—license required. No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so as provided in chapter 31.

Lockport

4-1 same as 38 Sec. 24-1. (State Law)
4-4 same as 38 Sec. 24-3.
4-5 same as 38 Sec. 24-3.1.

Lombard

9.16.040 Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, in which any explosive substance can be used, within the limits of the village.

Loves Park

Sec. 13-15. Furnishing ammunition to, acquisition by, minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, * * * or other missile or projectile to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, pellet, * * * or any other missile or projectile by purchase, sale or gift, or in any other manner.

Sec. 13-50. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

Lyndon

Sec. 147—Selling Fire-Arms to Minors. No person shall sell, loan, or furnish to any minor any gun, pistol, fowling piece, or other fire arm.

Manteno

3-15-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver * * * derringer * * * or other deadly weapon which can be concealed on the person without securing a license to do so.

* * * * *

3-15-5: Restrictions on sales and gifts: It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit to do so. The Police Chief may require such information from such applicant as he deems reasonable and necessary.

3-15-6: Permit: It shall be unlawful for any person to purchase any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit so to do. The Police Chief may require such information from such applicant as he deems reasonable and necessary. No such permit shall be issued to one convicted of any crime or to a minor.

Marquette Heights

Unlawful use of Weapons:(A) It shall be unlawful for any person to: * * * * * 6. Pos-

sess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or 7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Matteson

133.005 same as 38 Sec. 24-3.1. (State Law)

Maywood

8.259 It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

8.264 It shall be unlawful for any person to sell, barter, or give away to any person within the Village, any deadly weapon mentioned in Section 8.259, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the Village.

8.265 It shall be unlawful for any person to purchase any deadly weapon mentioned in Section 8.259, which can be concealed on the person without first securing from the Chief of Police a permit so to do. * * *

8.268 It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

McCook

9-10-3. License to sell: Firearms for the purposes of this Chapter are pistols, revolvers, guns, and small arms of a size and character that may be concealed upon or about the person. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. And no person, having secured such license, shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

9-10-4. Purchasers of firearms: No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age or an alien. * * *

9-10-8. Sale or gift: No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearm of a size which may be concealed upon the person.

Melrose Park

93.1 Generally: * * * No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the Village of Melrose Park. * * * No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the Village of Melrose Park, any pistol, revolver, derringer, * * * or other weapon, of like character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police or President of the Village to purchase such weapon * * *

93.2 License to sell firearms: Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the foregoing Section shall make application in writing to the President of the Village * * *

93.3 Other requirements:

* * * * *

(b) It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police or the President of the Village a permit so to do. * * *

Midlothian

6-4-4: Sale to minors prohibited: It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any * * * weapon capable of projecting or discharging projectiles of any type by any force, * * *.

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any amunition, * * * with any of the weapons referred to in the foregoing provisions of this Section.

6-4-5: Sale of shotguns and shells; license: It shall be unlawful for any person to engage in the business of selling shotguns or shotgun shells in the Village without securing a license so to do.

* * * * *

6-4-8: Shotguns; sale to minors: It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

* * * * * *

Moline

Sec. 27-47. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or * * * * *

Sec. 27-48. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state; or

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety; or

(4) The sale of a firearm when another fire-

arm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Monmouth

Sec. 18-38. Same—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Montgomery

Sec. 12-17. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons, which shall be a violation of this Code, when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

Sec. 12-18. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part.

Sec. 12-19. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Morrison

9.76.070. It shall be unlawful for any person to permit, suffer, or allow any child under the age of 18 years to handle or have in his possession within the City of Morrison, any cannon, gun, pistol, or any toy gun or cannon, or toy pistol or air gun, or any other similar weapon, or any firearm of any description, which is a deadly weapon, * * *.

Morton Grove

132.100 Selling deadly weapons; sales to minors. (B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the village any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used * * * * *.

Mount Carmel

Article V. Weapons

Sec. 16-95. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition when he:

(1) Is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) Is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) Has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from a penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) Is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) Has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(6) Is mentally retarded and has any firearms or firearm ammunition in his possession.

Sec. 16-98. Defacing identification marks of firearms.

(a) It shall be unlawful for any person to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

New Boston

5-2-2-12: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm, * * *

Niles

22-44. Affidavit to purchase firearms.

(a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit * * *.

(b) The following persons are covered by the section and not eligible to purchase a firearm:

(1) Any person convicted of a felony;

(2) Any minor under the age of eighteen (18) years;

(3) A narcotic addict.

22-45. Selling, furnishing firearms to minors. It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

Norridge

Section 1. License. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, Derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5. Permit. It shall be unlawful for any person to purchase any pistol, revolver, Derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Section 6. Refusing Permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to: (a) All persons having been convicted on any crime, (b) All minors, (c) All persons who, in his opinion, are not of good moral character.

* * * * *

North Pekin

6-2-3-15: Unlawful use of weapons: (A) It shall be unlawful for any person to: * * * * *

6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Northbrook

17.25 Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length

* * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

17.26 Exemptions * * * * * (c) Paragraph 17.25 (g) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this paragraph 17.26 (c) to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible. * * * * *

O'Fallon

27.60 Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

* * * * *

27.61 Unlawful Sale of Firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person, to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun, or other long gun for at least twenty-four (24) hours after application for its purchase has been made.

However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(4) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

27.63 Register of Sales by Dealer. (a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

* * * * *

27.64 Defacing Identification Marks of Firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, al-

tered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Oak Park

45.1—Definition of "Firearms". "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed on or about the person.

45.2—Sale or Rental of Firearms. It shall be unlawful to sell, loan, rent or give away any firearms or firearm ammunition to any of the following:

(a) A person under twenty-one (21) years of age, except that this provision shall not prohibit the use of a firearm by a person under twenty-one (21) years of age in a supervised target shooting program;

(b) A narcotics addict;

(c) A person convicted of a felony within five (5) years of release from a penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed;

(d) Any person who has been a patient in a mental hospital within the past five (5) years;

(e) A person who is mentally retarded.

45.3—Application and Permit to Purchase or Rent. No person shall be allowed to purchase or rent a firearm without a permit for said transaction having been issued by the Village of Oak Park. A separate permit shall be required for each firearms transaction. * * * * *

(h) No firearm shall be delivered to the purchaser or renter until a valid permit therefor has been issued to the seller by the Village of Oak Park, said permit bearing the endorsement thereon of both the Chief of Police and the Village Manager of Oak Park.

* * * * *

45.4—License to Deal in Firearms—Required. It shall be unlawful for any person to engage in the business of selling or renting, or to sell, rent, loan or give away, to any person, any firearm as defined in Section 45.1 of this Code, without securing a license for said dealings.

Oakbrook Terrace

Sec. 21-2. Sale, etc., of Firearms or Airguns to Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the city.

Sec. 21-5. Sales of Firearms—Registration. All persons dealing at retail within the city in one or more of the following firearms:

(a) Firearms of a size which may be concealed upon the person; (b) Shotguns; (c) Rifles: (d) Firearms of any description not above enumerated; shall keep a register of all such firearms sold or given away by them. Such register shall contain [such information as is required by Oakbrook Terrace; contact local authorities for requirements] * * *. A Firearm Transaction Record Form 4473 is sufficient and shall satisfy the requirements of this section.

Sec. 21-6. Same—Purchase Approval; Inspection of Premises Where Sold, etc. It shall be unlawful for any person to sell or give away to any person within the city any firearm, unless such person so purchasing or receiving such firearm shall have a valid state gun owner's identification card and shall have secured approval for the purchase of such firearm from the chief of police [contact local authorities concerning those categories of persons not eligible for such approval]. It shall be the duty of every person selling or giving away firearms to receive and keep such written approvals from the chief of police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the chief of police or his deputy to enter his premises during normal business hours for inspection of all stock on hand and shall, on request of such officer, produce for inspection all written approvals issued by the chief of police for the sale of such firearms and the register required to be kept by section 21-5.

* * * * *

In case the chief of police shall find the applicant [qualified] * * * it shall be his duty to grant such approval.

The chief of police shall complete such investigation within the waiting period prescribed under state law prior to delivery, unless extenuating circumstances are shown.

Sec. 21-7. Same—Bartering. The approval required by section 21-6 shall not be required when bartering one fireable firearm for another fireable firearm. However, the individual must possess the valid state gun owner's identification card, and the information provided for in section 21-5 must be furnished to the chief of police on the day of the barter.

Oregon

8-6-3: Firearms: No person shall sell, loan, exchange, deliver or give away to any minor any gun, pistol, fowling piece or other firearm within the corporate limits of the City.

Park Forest South Village

670.01. Possessing dangerous or deadly weapons. No person shall carry or possess any dangerous or deadly weapon in violation of Article 24 of the Illinois Criminal Code.

* * * * *

Peoria

41-4. License to sell, etc.—Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon, which can be concealed on the person, without securing a license so to do.

41-8. Required Certificate and Thumb Print. It shall be unlawful for any person to sell, barter, or give away to any person within the City, any deadly weapon mentioned in Section 41-4 of this Code, except to licensed dealers, without first obtaining from the person receiving such deadly weapon a signed statement [contact local authorities for required contents] * * * and which shall contain a thumb print from the person receiving such weapon. Such thumb print shall be the right-hand thumb print unless circumstances prevent, in which case it shall be the left-hand thumb print. All such information required by this section shall be entered upon forms provided by the Superintendent of Police for that purpose.

Sec. 41-11. Restriction on sale. It shall be unlawful for any person to sell, barter or give away, to any person within the city, any deadly weapon mentioned in section 41-4 of this Code, to any person known to him to be under twenty-one (21) years of age or of unsound mind or under indictment or a drug addict or a fugitive from justice or who has been convicted of a crime of violence.

Sec. 41-13. Registration. All persons who have in their possession any pistol, revolver or gun, which may be concealed on the person, shall register such gun or pistol with the superintendent of police, setting forth the caliber, make, model and manufacturer's number of the weapon. No fee shall be required for such registration.

Peoria Heights

Section 1. License required. It shall be unlawful for any person to engage in the business of selling any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

Section 5. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug

addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Pinckneyville

Sec. 39. Minors not to have certain weapons. No person, not being the father, guardian or employer of a minor, shall, by himself, agent, servant, or employee, directly or indirectly, sell, give, loan, hire or barter to any such minor, within the city, any pistol, revolver, derringer, * * *.

Port Byron

* * * * *

6-3-19: Weapons: No person shall sell, give, loan, hire or barter or offer to sell, give, loan, hire or barter to any minor within the Village, any pistol, derringer, * * * or other deadly weapon, capable of being secreted upon the person, such person not being the father, guardian or employer of said minor; * * *.

Posen

Chapter 8, Title VIII Posen Village Code

8-8-1: Definitions. For purposes of this Ordinance—A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means: (1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection 8-8-1 - D - (1), if such replica (a) is not designed or redesigned for using rimfire or conventional center-fire fixed ammunition, or (b) uses rimfire or conventional center-fire fixed ammunition which is not longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail,

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code..

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, of

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

8-8-2: Unlawful sale or other transfer of deadly weapons. It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the Village of Posen, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1, as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section "8-8-11" of this Ordinance.

G. A licensed collector of deadly weapons.

H. A licensed dealer in deadly weapons.

8-8-3: Dealer license required. No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the Village of Posen, Illinois, without securing a license therefor.

8-8-4: Application for dealer's license. An application for the license required by Section 8-8-3 shall be made in writing to the Village of Posen Clerk on such suitable forms provided or approved by him [contact local authorities for required contents] * * *. * * *

8-8-5: Dealer's license fee. The license fee shall be $25.00 per year or such other sum as may be established by ordinance. The license shall expire on April 30th following the date of issuance. The fee for a license issued for less than one year shall be prorated.

8-8-6: Denial or issuance of license. It shall be the duty of the Village Clerk to refuse the license required by Section 8-8-3 to any person, firm or corporation which fails, refuses or is unable to comply with all of the requirements; * * *; otherwise, * * * it shall be the duty of the Village Clerk to issue such license.

* * * * *

Rantoul

18.53 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the Village, sell, loan or furnish to any person under the age of twenty-one any gun, pistol, fowling piece, * * * or other firearm * * *.

Red Bud

261. Selling Weapons to Minors or Intoxicated Person. Section 58. Whoever shall, within the limits of this City, by himself or

agent, sell, give, loan, hire or barter, or offer so to do, to any minor, or intoxicated person any pistol, revolver, derringer, * * * shall be deemed guilty of a misdemeanor.

Riverdale

911. In addition to all other applicable requirements in this Code, the intrastate transportation of small arms ammunition, small arms ammunition primers, smokeless propellants and black powder propellants shall be in accordance with current U.S. Department of Transportation regulations.* * *

15.3301—Definitions. The term "gunshop" is hereby defined to mean any building, room, enclosure, premises, place, establishment or part of establishment in the Village of Riverdale operated and maintained or conducted for the sale or offer for sale at retail any of the following articles: rifles, shotguns, pistols and loaded shot shells or cartridges.

15.3302—License. No person shall engage in the business of a gunshop or a shooting range without first having obtained a license therefor.

29.216 * * *No person shall sell, loan or furnish to any minor, any gun, pistol or any other firearm, or any toy gun, pistol or other toy firearm, in which any explosive substance can be used.

* * *

Rochester

6-1-14: Weapons: * * *It shall be unlawful for any minor to have in his possession any firearms.

* * *

Rockford

Sec. 19-48. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

* * * * *

Sec. 19-52. Furnishing bullets, pellets, arrows, etc., to minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, * * * to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, * * * by purchase, sale or gift, or in any other manner.

Rockton

Section 13. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any devise or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails * * *

* * * * *

(c) Section 13, subsection (a) (7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a non-functioning state or not immediately accessible.

Rockwood

18-1. Unlawful use of weapons. a. A person commits the offense of unlawful use of weapons when he knowingly: * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm: or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

18-2. No person, firm or corporation in the Village of Rockwood, shall sell, give or loan to any person under the age of 18 years of age any firearm or other deadly weapon, without the consent of the parent or guardian of such minor

Rolling Meadows

13-36. Same—Handling, possession by minors. (a) Prohibited. It shall be unlawful for any parent or guardian of any child under the age of eighteen (18), to permit, suffer or allow any such child to handle or have in his possession within the city any cannon, gun, pistol * * *

Roscoe

Sec. 13-9. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black power bomb and Molotov cocktails; or

* * * * *

Sec. 13-10. Unlawful use of weapons—Exemptions. * * * * * (c) Subsection (a) (7) of section 13-9 shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

* * * * *

Round Lake

43.03 same as 26.03 Fox Lake

San Jose

Section 4. Unlawful to Sell, Etc., to Minors—Penalty. Whoever not being the father or guardian of any minor, by himself or

agent, shall give, loan or hire or offer to sell, give, hire or barter to any minor, within the limits of said village, any pistol, revolver, derringer, * * * or other dangerous or deadly weapon of like character capable of being secreted upon the person, shall be fined * * * * *.

St. Charles

28.039 Unlawful Use of Weapons. It shall be unlawful to, and a person commits the offense of unlawful use of weapons when he knowingly: * * *

F. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

Schaumburg

Sec. 20-56. [Weapons]—Sales or gifts to minors. It shall be unlawful for any person to sell or give to any minor any pistol, revolver or other firearm that may be concealed upon the person within the corporate limits of the village.

* * * * *

Shorewood

Ordinance 78-263

Section 2: Permit to Purchase Firearms. It shall be unlawful for any person to purchase a firearm without having first secured a permit for each such purchase from the Chief of Police. Such permit shall be issued by the Chief of Police upon application therefor * * * only after the Chief of Police has sufficient time to reasonably investigate the applicant to determine whether the applicant is not a person to whom the issuance of the permit is prohibited by this Ordinance. Permits shall not be issued to any person who does not possess a currently valid Illinois Firearm Owner's Identification, nor shall a permit be issued to any person who is under the age of 18 years, has ever been convicted of a felony under the laws of Illinois or any other state or the United States, has ever been confined to a penitentiary of Illinois or any other state or the United States, has been convicted of a misdemeanor under the laws of Illinois or any other state within a period of two years of the date of the application, is addicted to narcotics, is mentally retarded, is being treated medically or psychologically for a current mental or emotional disease or disturbance, has been a patient in a mental institution within a period of five years of the date of the application, or who is an alien.

Section 3: License or Permit to Deal in Firearms. It shall be unlawful for any person to sell, rent, offer to sell or rent any firearms without securing a license therefor. A retail business or rental business license required by other Ordinances of the Village shall be sufficient license to engage in such business.

Section 4: Unlawful to Sell, Rent or Loan Firearms. It shall be unlawful for any person to sell, rent or loan a firearm to any person who does not possess and display a currently valid permit provided for in Section 2 of this Ordinance.

* * * * *

Sec. 20-60. Same—Same—Permits generally; police inspection of retailers. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the village any pistol, revolver or any other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a valid firearm owner's identification card from the department of public safety of the state. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

Sec. 20-61. Same—Same—Permits for nonresidents. The provisions of this article requiring a state firearm owner's identification card and number do not apply to nonresidents who are currently licensed or registered to possess a firearm in their resident state.

* * * * *

Sibley

43.03 Weapons. * * * (b.) No person shall sell, give or transfer any such weapon (concealed pistol or any other weapon) to any minor person.

Skokie

27-17. Permit. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Skokie, any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police, * * *.

27-18. Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.

Smithton

27.70 same as 38 Sec. 24-1. (Illinois State Law)

27.71 same as 38 Sec. 24-3.

27.72 same as 38 Sec. 24-3.1.

27.74 same as 38 Sec. 24-5.

South Beloit

Sec. 18-10. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails;

* * * * *

(c) Subsection (a) (7) of section 18-10 shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

* * * * *

South Elgin

18. Unlawful use of weapons. No person shall commit the offense of unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(1) sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * *

(6) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Springfield

31.45. Minors not to handle or possess firearms, * * * etc. It shall be unlawful for any parent or guardian of any child under the age of eighteen, to permit, suffer or allow any such child to handle or have in his possession within the city, any cannon, gun, pistol * * *

Steger

Sec. 130.701 Unlawful use of weapons. (A) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

* * * * *

Sec. 130.702 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen years of age; or

(2) Sells or gives any firearm to a person under twenty-one years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or

(7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four hours after application for its purchase has been made. However, this paragraph shall not apply to:

(a) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment; or

(b) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

(B) While holding any license under the Federal "Gun Control Act of 1968," as amended, as a dealer, importer, manufacturer, or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith," approved August 3, 1957, as amended;

2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(C) Paragraph (B) of this section shall not include firearms sold within six months after enactment of this amendatory ordinance nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within six months after the enactment of this amendatory ordinance be subject to confiscation or seizure under the provisions of this amendatory ordinance. Nothing in this amendatory ordinance shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within six months after the enactment of this amendatory ordinance.

* * * * *

Sec. 130.703 Unlawful possession of firearms and firearm ammunition. (A) A person commits the offense of unlawful possession of firearm ammunition when:

(1) He is under eighteen years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or in any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

* * * * *

Stickney

Ordinance 75-14

Section 1. Definition. "Firearms" for the purposes of this Ordinance, are Pistols, Revolvers, Derringers, Handguns or small arms of such size and nature that may be readily concealed on or about the person.

Section 2. License Required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, lease, loan or give away to any resident of the Village of Stickney, any firearms which are of such size or nature as may be readily concealed on or about the person, without securing a license therefor.

Section 3. Unlawful Sale. It shall be unlawful for any seller of firearms to sell, lease, loan or give away any firearm to any person residing in the State of Illinois unless such person shall have been issued a Firearms Owners Identification Card as provided in the "Criminal Code of 1961" as amended, or to sell firearms in violation of the provisions of the "Criminal Code of 1961" as amended, or in violation of the provisions of any Federal Act regulating the sale of Firearms.

Section 4. Permit Required. It shall be unlawful for a seller of firearms to sell, lease, loan or give away any firearms to any resident of the Village of Stickney who has not secured a permit from the Chief of Police to purchase such firearm as hereinafter provided.

Streamwood

19.1001. Definition of firearm. Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1005. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

19.1006. License and permit to deal in firearms. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

Sugar Grove

15. Unlawful use of weapons: A person commits the offense of unlawful use of weapons when he knowingly:

1. Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * * or

* * * * *

6. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Summit

6-7-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon, * * * or any toy firearms or other toy in the nature of a firearm in which any bullet, pellet, or other object can be expelled by means of air pressure or any explosive substance without securing a license so to do, and no person having secured such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Swansea

27.28 Unlawful possession of firearms and firearm ammunition. (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when: (1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms of firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

27.30 Defacing identification marks of firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class A misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Tremont

Sec. 6-2-3-15 Unlawful use of weapons a) It shall be unlawful for any person to:

* * * * *

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Towanda

42.03 Weapons. * * * (b) No person shall sell, give or transfer any such weapon ("pistol, * * * or any other weapon or thing of deadly character") to any minor person.

Tuscola

Sec. 18-51. (Weapons)—Selling or furnishing to minors. Whoever, not being the father, guardian or employer of a minor by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, * * * or other deadly weapon of like character, capable of being secreted upon the person shall be subject to penalty as provided by section 1-8 of this Code.

Urbana

Sec. 21.55. Weapons—Unlawful use and possession, and exemptions. (1) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

* * * * *

(4) Exemptions. * * * * *

(c) Section 21.55 (1)(g) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the armed services or reserve forces of the United States or the Illinois National Guard while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Section 21.55 (1)(g) does not apply to the purchase, possession or carrying of a blackjack or slung-shot by a peace officer.

* * * * *

21.56. Weapons—infants. Any person who, not being the father, guardian or employer of a minor, by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, * * * capable of being secreted upon the person, shall be subject to the penalties set out in section 1.6 of this Code.

Venice

9-5-4: Weapons: No pawnbroker shall receive as a pledge or purchase any revolver,

pistol, * * * or sawed-off shotgun; and no pawnbroker shall display in his window or shop any such weapons for sale.

Washington

16-26. Same—Selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, fowling-piece or toy firearm, in which any explosive substance can be used, * * *.

Washington Park

Unlawful possession of firearms and firearm ammunition: A person commits the offense of unlawful possession of firearms or firearm ammunition when: (a) he is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; (b) he is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or (c) he has been convicted of a felony under the laws of this or any other jurisdiction within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or (d) he is a narcotic addict and has any firearm or firearm ammunition in his possession; or (e) he has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or (f) he is mentally retarded and has any firearms or firearm ammunition in his possession.

Unlawful use of Weapons A person commits the offense of unlawful use of weapons when he knowingly * * * * * (f) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

* * * * *

Wauconda

8-3-3-3: Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: (A) Sells, manufactures, purchases, possesses or carries any * * * shotgun with barrel less than 18 inches in length * * *.

(F) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(G) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

8-3-3-5: Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly: (A) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(B) Sells or gives any firearm to any narcotic addict; or

(C) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Waukegan

24-121. Dealer's license—Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so * * *

24-127. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this division except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as required in this division. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

24-128. Purchase permit required; * * * It shall be unlawful for any person to purchase any deadly weapon mentioned in this division without first securing from the chief of police a permit to do so. * * *

24-135. License—Required. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without securing a license to do so * * *

26-27. Sale of weapons to minors, aliens prohibited. No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearms or dangerous or deadly instruments of any character.

West Chicago

Ordinance 879

* * * * *

Section 4. (1) A Person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses, or carries any * * * shot-gun with a barrel less than 18 inches in length, * * *.

* * * * *

(f) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses, or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

* * * * *

Western Springs

63.3 Fixed ammunition—license. Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols, or shotguns shall be entitled to a license upon application made as provided in chapter 27 of this code, provided that such licensee shall not have on hand at any one time more than 25,000 rounds of such ammunition.

Westmont

Sec. 17-21. Persons under twenty-one years of age prohibited from purchasing firearms or ammunition. No persons under the age of twenty-one (21) years shall purchase any firearms or ammunition of any type.

Wheaton

17-83. Enumeration of dangerous, deadly weapons. The term "dangerous or deadly weapon" as used herein shall include pistols, revolvers, rifles or other firearms, * * * and any other deadly weapons which, except for this article, may be lawfully possessed by any person.

17-84. Selling, furnishing to minors; exceptions. It shall be unlawful for any person to sell, give, or loan to any minor under the age of eighteen (18) years any deadly or dangerous weapon. * * *

17-93. License—Required. It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (hereafter called a dealer) in the city without securing a license therefor.

Wilmette

5-10.1 License required; * * * It is unlawful for any person to engage in the business of making, selling, or repairing firearms of any type, size or description without first having obtained a license therefor. * * *

5-10.2 Permit to purchase. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of

any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. * * *

Wilmington

132.075 Selling deadly weapons; sales to minors. (A) It shall be unlawful for any person to sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or other toy firearm in which any explosive substance can be used, * * * or other deadly weapon of a like character.

Winnetka

5-44. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, machine gun, or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

13-51. Weapons—Sale to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, * * * or ammunition for any firearm * * *, within the limits of the village.

Worth

Sec. 3-11-1: License required, sale restricted: It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the Village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

Sec. 10-5-1: Definition of "firearms." "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 10-5-2: Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. [Contact local authorities for required contents] * * *. * * *.

Sec. 10-5-5: Sale to minors, aliens prohibited: No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Zion

28-1. Unlawful use or carrying of weapons—Defined. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

28-2. Same—Exemptions. * * * * * (c) Subsection 28-1(a)(7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a nonfunctioning state or not immediately accessible. * * *

28-14. To be licensed. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so.

28-20. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this article except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police * * *

28-21. Permit required to purchase; * * * It shall be unlawful for any person to purchase any deadly weapon mentioned in this article which can be concealed on the person without first securing from the chief of police a permit so to do. * * *

28-34. License required. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

28-48. License, compliance required; exception. It shall be unlawful for any person to engage in the business of selling, or to sell or give away any * * * toy firearms or other toy in the nature of a firearm in which any explosive substance can be used without securing a license so to do, and no person having secured such license shall sell, or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon * * *; provided that it shall not be necessary for any person licensed to sell deadly weapons to take out an additional license for the sale of the articles mentioned herein.

28-51. Purchasers' permits required; * * * It shall be unlawful for any person to purchase * * * any toy firearm or other toy in the nature of a firearm in which any explosive substance is used to expel a projectile without first securing from the chief of police a permit so to do. * * *

Indiana

State Law

Ind. Stat. Ann. (Burns)

Chapter 3
Possession and use of machine guns, explosives and poison gases

35-23-3-1 (10-4712). Ownership or possession. A person who owns or possesses: (1) A machine gun; or (2) A bomb loaded with either explosives or dangerous gases; commits a class C felony.

35-23-3-3 (10-4714). Exceptions from application of chapter. The provisions of this chapter [Secs. 35-23-3-1—35-23-3-3] shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) to machine guns or bombs kept for display as relics and which are rendered harmless and not useable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with and in the furtherance of their duties; (d) To persons lawfully engaged in the display, testing or use of fireworks; or (e) To persons, firms, agencies of the state government; or corporations and the employees, servants, or agents of such persons, firms, agencies, or corpora-

tions authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordnance equipment or supplies while or when acting within the scope of and in furtherance of such business; and (f) To persons, firms or corporations possessing, or having applied to possess machine guns under applicable United States Statutes, providing, that such machine guns shall also be transferred as are handguns, as provided in IC 1971, 35-23-4.1-7 [Sec. 10-4751g].

35-23-4.1-1 (10-4751a). Firearms—Definitions. As used in this chapter [Secs. 10-4751a—10-4751r]:

(a) The term "firearm" means any weapon which is capable of or designed to or which may readily be converted to expel a projectile with deadly force by means of an explosion;

(b) The term "handgun" means any firearm designed or adapted so as to be aimed and fired from one hand regardless of barrel length, or any other firearm with a barrel less than sixteen [16] inches in length, or an overall length of less than twenty-six [26] inches;

(c) The term "crime of violence" includes each of the following offenses or an attempt to commit any of them: murder, voluntary manslaughter, kidnapping for the purpose of ransom, rape, malicious mayhem, assault or assault and battery with intent to commit a felony, aggravated assault and battery, robbery, bank robbery, automobile banditry, and burglary in the first or second degree. The term also includes any felony or attempted felony in which bodily harm or the threat of bodily harm is directed against a human being or in which harm is done or threatened against a place of human habitation or employment;

(d) The term "person" includes firms, corporations, partnerships or associations, as well as human beings;

(e) The term "place of abode" means a place of residence which is more than temporary in nature and to which the dweller, when absent, intends to return;

(f) The term "superintendent" means the superintendent of the Indiana state police department;

(g) The term "retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof;

(h) The term "wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in the same, or the sale of a handgun or handguns to a governmental law enforcement agency for issue to its law enforcement officers, agents or employees;

(i) The term "dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis;

(j) The term "police officer" means any state, city, or town law enforcement officer who is employed with unlimited police authority on a full-time basis to enforce the laws of the state of Indiana.

* * * * *

35-23-4.1-6 (10-4751f). Prohibited sales or transfers. No person, except an individual acting within a parent-child or guardian-ward relationship shall sell, give or in any other manner transfer the ownership of a handgun to any person under the age of eighteen [18], and in no event shall any person sell, give, or in any manner transfer the ownership or possession of a handgun to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or is a habitual drunkard, or is of unsound mind.

35-23-4.1-7 (10-4751g). Persons to whom regulations apply—Waiting period—Application for sale or transfer of handgun—Fingerprints—Fee. The regulation of the sale of handguns imposed by this chapter [35-23-4.1-1—35-23-4.1-18] shall apply equally to an occasional sale, trade or transfer between individual persons and to retail transactions between dealers and individual persons.

(a) Except as otherwise provided in this section, this section does not apply to sales at wholesale. No transferor shall deliver a handgun to a transferee until at least seven [7] calendar days shall have elapsed from the time of the application for the transfer and, when delivered, the handgun shall be securely wrapped and unloaded.

(1) The seven [7] day waiting period shall not apply to law-enforcement officers. Any law-enforcement officer who takes advantage of this exception to purchase a handgun for someone other than himself commits a class B misdemeanor.

(2) The seven [7] day waiting period shall also be waived for any person to whom a qualified or unlimited handgun-carrying license has been issued, upon exhibition of the license to the transferor. The transferor shall note on the application-to-purchase form the serial number of the license, the expiration date, the issuing authority, and the notation "waiting period waived," together with the date on which the handgun or handguns are released to the applicant. Any person using or seeking to use a false, counterfeit, spurious or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter commits a class B misdemeanor.

(b) At the time of applying for the transfer of a handgun, the transferee shall complete and sign an application in triplicate in the presence of the transferor [contact State authorities for required contents] * * *. This application, in triplicate, shall be deposited with the transferor who shall, within eight [8] hours of the time of execution of the application, sign and attach his address and forward by first class mail or deliver in person one [1] copy of the application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; one [1] copy duly signed by the transferor shall at the same time be forwarded by him with his address to the superintendent; and he, the transferor, shall retain one [1] copy for six [6] years. If the superintendent shall by administrative rule require, the application forms forwarded to the superintendent may be accompanied by a full or partial set of legible and classifiable fingerprints of the transferee, taken by the transferor or by an agent of the transferor. Repeated instances of the transferor intentionally forwarding illegible fingerprints shall, in the case of a dealer, constitute grounds for the suspension or revocation of the dealer's license. Upon receipt of the handgun transfer application forms, the chief of police or sheriff, and the superintendent shall search the records of their respective departments concerning the transferee, and they shall forward immediately in both verbal and written form to the transferor any information constituting grounds for nondelivery of the handgun or handguns. In the case of the occasional transfer of a handgun between individuals, both the transferor and the transferee shall complete the application and fingerprint forms at any sheriff's office, police station, state police post, or licensed dealer, with the required fingerprints to be taken by a qualified person and the forms being forwarded to the appropriate chief of police or sheriff and to the superintendent, by the person taking the fingerprints. No charge shall be made for this service by any police agency; however, a dealer may charge a fee not to exceed two dollars [$2.00] for his services in assisting in the processing of the transfer, which fee is to be assessed of the transferor. It is the intent of this chapter that all sale forms shall be completed by the transferee in the presence of the transferor and that delivery of the handgun or handguns not take place until the seven [7] day waiting period has elapsed or has been waived as indicated above. Any notice from the chief of police or sheriff or from the superintendent indicating that the information on the transferee's application is untrue or incomplete or that the transferee has been convicted of a violation of this chapter or any crime of violence shall be grounds for nondelivery of the handgun or handguns, and in such case, delivery shall not occur without written approval of the superintendent.

(c) Delivery of a handgun by the transferor or his agent to the transferee prior to the expiration of the seven [7] day waiting period, except when the waiting period has been waived under this section, or delivery to any transferee without the superintendent's writ-

ten approval after receiving notice of grounds for nondelivery is unlawful and in addition, constitutes grounds for the immediate suspension of the retail dealer's license.

(d) No additional record of any lawful transfer of any firearm shall be made or maintained by any local or state official or agency; and, all forms utilized in executing lawful firearm transfers, with the sole exception of those remaining with the transferor, shall be forwarded within six [6] months to the transferee indicated on the forms. Said forms shall then be retained by the transferee as proof of ownership of the firearm or firearms listed thereon.

35-23-4.1-8 (10-4751h). Retail dealer—License required. A retail dealer shall not sell, trade, or otherwise transfer or expose for sale, trade, or transfer, or have in his possession with intent to sell, trade or transfer, any handgun without being licensed under section 9 [35-23-4.1-9] of this chapter.

35-23-4.1-9 (10-4751i) License issuance as retail handgun dealer—Application * * * Conditions. A person desiring a license as a retail handgun dealer shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in this state, then to the sheriff of the county in which he has a regular place of business. * * * No retail dealer's license shall be issued to any person who has been convicted of a crime of violence in this state or any state or country, or who has been convicted of a felony violation of this chapter [35-23-4.1-1—35-23-4.1-18]. A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the following conditions in addition to those specified elsewhere in this chapter for breach of any of which the license may be suspended or revoked in accordance with applicable law and in addition the licensee may be subject to punishment as provided in this chapter:

(a) The business shall be carried on only in the site designated in the license and a separate license shall be required for each separate retail outlet. In the event a licensed dealer moves his place of business, he shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This section shall not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold in violation of any provisions of this chapter, nor shall any handgun be sold under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

35-23-4.1-10 (10-4751j). Loan secured by handgun prohibited. No person shall make any loan secured by a mortgage, deposit, or pledge of a handgun.

35-23-4.1-13. Firearms exempted. This chapter [35-23-4.1-1—35-23-4.1-18] does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made on or before 1898.

35-23-4.1-14 (10-4751n). Waiver of disability or pardon of conviction—Effect. A waiver of disability from United States authorities or a full pardon from the governor or other chief executive of the state, county or jurisdiction in which a conviction for any crime of violence or violation of this chapter [35-23-4.1-1—35-23-4.1-18] took place, shall, as to the conviction so pardoned, remove any disability under this chapter imposed by that conviction.

35-23-5-1 (10-4701). Intoxicated persons—Sale or gift of weapons to. A person who sells, barters, gives, or delivers any deadly weapon to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, commits a class B misdemeanor.

35-23-7-1 (10-1911). Sale, manufacture, use, purchase or possession of container with explosive or inflammables with intent to use. A person who sells, manufactures, purchases, possesses or carries with intent to use the same or cause the same to be used for an unlawful purpose, any bomb, bombshell, grenade, bottle or other container containing an explosive or inflammable substance commits a class C felony.

35-23-10-1 (10-4740a). Interstate firearms sales. Any resident of this state who is eighteen [18] years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701], or any applicable law of another state or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for either a rifle or shotgun in Ohio, Kentucky, Michigan or Illinois. Any resident of those states who is eighteen [18] years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701] or the laws of his domicile or of the United States from obtaining, possessing, or using a firearm in this state or his home state, may purchase or obtain a rifle, shotgun, or ammunition for either a rifle or shotgun in this state. Any such transaction shall be for the purposes and under the conditions prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3).

Gary

Ordinance 4641

Section 10-2201. All handguns located in the City of Gary shall be registered in accordance with the provisions of this Chapter.

Section 10-2204. At the time of sale the seller shall complete a registration form, designed or approved by the City Controller, [Contact local authorities for required contents] * * *

Section 10-2205. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

Section 10-2214. For the purposes of this Chapter the term "handgun" means any weapon, by whatever name known, which is less than twelve (12) inches long capable of being used with one hand and which is designed to expel a projectile or projectiles by the action of an explosive and a handgun muffler or handgun silencer, or any part or parts of such weapon.

Section 10-2216. A person may not possess * * * any handgun * * * if such person is ineligible to register such handgun with the licensing authority pursuant to the provisions of this Chapter.

Hammond

27-201. Explosives—Permit. 1. No person or corporation shall keep, sell or offer for sale, or give away, anywhere within the City any gunpowder, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or other high explosives of similar nature, in any quantity, whether in bulk or made up or kept in packages or cartridges, or kept, sell or offer for sale, or give away, anywhere within the City, any loaded paper or metallic shot shells or cartridges designed or intended to be used for shot guns, pistols, rifles or other firearms, or percussion caps or primers * * *

Indianapolis

Code of Ordinances

Sec. 20-98. Firearms for minors. No person shall sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol or other firearm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance is or can be used, within the city; however, minors over fifteen (15) years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gal-

lery, gun club or rifle club, or to shoot game birds in accordance with other provisions of this Code or state law.

Sec. 20-190. Unlawful disposition of dangerous weapons. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known or suspected habitual user of narcotics or any known or suspected criminal or a person with criminal purpose, any type of machine gun, sawed-off shotgun, pistol or revolver, or ammunition therefor, * * *. [The] provisions of this section shall not apply to any military forces, peace officers or other persons so excepted by law for the possession, use or disposal of any such things.

Marion

Sec. 1. Be it ordained by the Common Council of the City of Marion, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city, to any minor, any rifle or gun for shooting powder and ball, * * * or other gun, rifle or device for shooting and propelling missiles * * *.

Meridian Hills

Sec. 197. Sale to minors prohibited. No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or ammunition for any firearm * * *, within the limits of the town.

* * * * *

New Whiteland

Section 5. Firearms for minors. No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the town; * * *

Section 8. Selling weapons to narcotic users, etc. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, * * * which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; * * * the provisions of this section shall not apply to any military forces, peace officers, or other persons so excepted by law for the possession, use, or disposal of any such things.

Iowa

State Law

Iowa Code Ann.

Chapter 724. Weapons

724.1 Offensive weapons. An offensive weapon is any device or instrumentality of the following types;

1. A machine gun. A machine gun is a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger.

2. A shotgun having a barrel or barrels shorter than eighteen inches in length, or a rifle having a barrel or barrels shorter than sixteen inches in length.

3. Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, or the ammunition or projectile therefor, but not including antique weapons kept for display or lawful shooting.

4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missle having an explosive charge of more than one-quarter ounce; or any device similar to any of these.

5. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections one (1) through four (4), inclusive, of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

724.2 Authority to possess offensive weapons. Any of the following is authorized to possess an offensive weapon when his or her duties or lawful activities require or permit such possession:

1. Any peace officer.

2. Any member of the armed forces of the United States or of the national guard.

3. Any person in the service of the United States.

4. Any correctional officer, serving in an institution under the authority of the division of adult corrections.

5. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

6. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

7. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

724.3 Unauthorized possession of offensive weapons. Any person, other than a person authorized herein, who knowingly possesses an offensive weapon commits a class D felony.

724.4-724.14 Concerns the carrying of weapons; professional and nonprofessional permits to carry; eligibility for such permits, and the firearms training program.

* * * * *

724.15 Report and record of sales. Any person who sells or transfers ownership of a revolver or pistol, whether such person is a dealer or otherwise, shall report within five days to the county sheriff the sale or transfer or such weapon, on forms prescribed and published by the commissioner of public safety, and on the forms shall set forth the time of selling or transfer, the age, occupation, place of employment or business, name and residence of such recipient of such weapon, together with the model, caliber, serial number, and make of such weapon, and the sheriff on receipt of such information shall make a permanent record of the same in a book specially kept for that purpose. A copy of this report shall be forwarded by the sheriff to the commissioner of public safety. * * *

Sec. 724.16 Permit to purchase required. Any person who purchases a pistol or revolver without a valid permit to purchase pistols or revolvers or any person who sells a pistol or revolver to a person who does not have in his or her possession a valid permit to purchase pistols or revolvers is guilty of a simple misdemeanor.

Sec. 724.17 Application for permit to purchase. The application for a permit to purchase pistols or revolvers may be made to the sheriff of any county and shall be on a form prescribed and published by the commissioner of public safety.* * *

(Contact your county sheriff for information concerning applications for permits to purchase pistols and revolvers)

* * * * *

724.20 Validity of permit to purchase. The permit shall be valid throughout the state and shall be valid three days after the date of

application and shall be invalid one year after the date of application.

724.21 Giving false information when purchasing weapon. A person who gives a false name or presents false identification, or otherwise gives false information to one from whom the person seeks to purchase a pistol or revolver, commits an aggravated misdemeanor.

Sec. 724.22 Sale to minors. A person who sells, loans, gives or makes available a firearm or ammunition for a firearm, to any person below the age of eighteen years commits a simple misdemeanor; provided, that a rifle or shotgun or the ammunition therefor, which lawfully may be used for hunting, may be given to such person by his or her parent or guardian, or by another with the express consent of his or her parent or guardian; and further provided, that any such person may allow a minor to possess a rifle, shotgun, or pistol, and the ammunition therefor, while on military duty, when such duty requires the possession of such a weapon, or while receiving instruction in the proper use thereof from an adult instructor.

Sec. 724.24 Purchase or sale of firearms in contiguous states. A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with the Gun Control Act of 1968, 18 U.S.C., section 922(b)(3)(A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the federal Gun Control Act of 1968.

* * * * *

Sec. 724.26 Receipt, transportation and possession of firearms and destructive devices by felons. Any person who is convicted of a felony in any state or federal court and who subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of an aggravated misdemeanor.

Sec. 724.27 Exception to section 724.26. The provisions of section 724.26 shall not apply to a person who is pardoned or has had his or her civil rights restored by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

Cedar Rapids

63.16 Prohibition against bombs. No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26-11. Report to chief of police. Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, * * *.

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

Fort Madison

7-2-22: Sale to minors: A person who sells, loans, gives or makes available a firearm or ammunition for a firearm, to any person below the age of eighteen (18) years violates this Section; provided, that a rifle or shotgun or the ammunition therefor, which lawfully may be used for hunting, may be given to such person by his or her parent or guardian, or by another with the express consent of his or her parent or guardian; and further provided that any such person may allow a minor to possess a rifle, shotgun, or pistol, and the ammunition therefor, while on military duty, when such duty requires the possession of such a weapon or while receiving instruction in the proper use thereof from an adult instructor.

7-2-23: Permit to purchase required: Any person who purchases a pistol or revolver without a valid permit to purchase pistols or revolvers or any person who sells a pistol or revolver to a person who does not have in his or her possession a valid permit to purchase pistols or revolvers is in violation of this Section.

Marshalltown

75 * * * * * Sec. 2. It shall be unlawful to do or commit any of the following acts within the limits of the City of Marshalltown, Iowa: * * * * *

12. Sale—Weapons. To sell, keep for sale or offer for sale or loan, or give away, any silencer * * *.

13. Weapons—Minors. To sell, loan or give any pistol or revolver to any person under the age of 21 years.

14. Sale of Arms—License. To sell or keep for sale or exchange or to give away to any person, any revolver, pistol, * * * or other weapon of a like character, which can be concealed on the person, without first securing a permit from the proper officer, having authority to issue such permit.

Sac City

(e) Sales to intoxicated persons and minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Spirit Lake

Article V Weapons

Sec. 21-71. Furnishing weapons to minors. No person other than the parent or legal guardian of a minor shall sell, barter, exchange, furnish, or give to any minor under the age of eighteen (18) years, any * * * rifle, shotgun, revolver, pistol, or any other firearms, or ammunition therefor, * * * except when accompanied by or upon written consent of his parent or legal guardian of such minor.

Sec. 21-72. Furnishing weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan, or furnish any gun, rifle, shotgun, revolver, pistol, or the ammunition therefor, or any other dangerous weapon to any person whom he knows or has reasonable cause to believe is under the influence of alcohol, or any narcotic, drug, stimulant, or depressant, or to any person who is of unsound mind.

West Des Moines

12. Selling firearms to minors: Any person who shall knowingly sell, present, or give any pistol or revolver to any minor shall be guilty of a misdemeanor, * * * Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the State of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

Kansas

State Law

Kan. Stat. Ann.

21-4201. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * * or

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions. (a) Subsections (1), (b), (c), (d) and (g) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority; (iii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

* * * * *

(3) It shall be a defense that the defendant is within an exemption.

(4) Violation of subsections (1) (a) through (1) (f) of this section is a class B misdemeanor; violation of subsection (1) (g) of this section is a class E felony.

21-4203. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

21-4204. Unlawful possession of a firearm. (1) Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict; or

(b) Possession of a firearm with a barrel less than twelve (12) inches long by a person who, within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

(2) Violation of subsection (1) (a) of this section is a class B misdemeanor; violation of subsection (1) (b) is a class D felony.

48-1903. Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions. It is hereby declared to be lawful for a resident of this state to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such states; and

(b) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922 (c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

48-1904. Nonapplication of act, when. The provisions of this act do not apply to:

(a) Transactions between importers, manufacturers, dealers and collectors licensed under the federal gun control act of 1968;

(b) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes; and

(c) A person who is engaged in hunting or in participating in any organized rifle or shotgun match or contest in a state other than his or her state of residence, and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer, if such person presents to such dealer a sworn statement:

(1) That his or her rifle or shotgun was lost or stolen or became inoperative while hunting or participating in any such match or contest in such other state; and

(2) Identifying the chief law enforcement officer of the political subdivision in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

Altoona

Ordinance 84

Sec. 15—It shall be unlawful for any person or persons to sell, trade, give, loan to or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * or other dangerous weapons, except shot guns and rifles, to any minor, or to any person known to be of unsound mind.

Sec. 16—It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, * * * or other dangerous weapons, except shot guns and rifles.

Atchison

Sec. 21-124. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm. * * * * *

Sec. 21-129. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than

twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

* * * * *

Augusta

13-1101. Unlawful use of weapons. * * * * * a. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen inches (18") in length, * * *

* * * * *

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

* * * * *

13-1103. Unlawful disposal of firearms. Unlawful disposal of firearms in the city is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Bonner Springs

Sec. 17-108. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions: (a) Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

17-113. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel of less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Sec. 17-114. Defacing identification marks of a firearm. * * * (2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Cheney

9.70.020 Unlawful use of weapons defined. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen inches in length, * * *

* * * * *

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Selling, manufacturing, purchasing, possessing or carrying any firearms designed to discharge or capable of discharging automatically more than once by a single function of the trigger * * *

9.70.030 Exemptions. A. Subsections A, B, C, D and G of Section 9.70.020 shall not apply to or affect any of the following:

1. Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to, or sale of weapons to persons authorized under subdivisions 1 through 3 of this subsection to possess such weapons;

Cherryvale

12-310 Firearms in possession of minors. Every minor who shall have in his possession any pistol, revolver, or toy pistol by which cartridges may be exploded * * * or other dangerous weapons, shall be guilty of a misdemeanor.

12-311 Firearms, furnishing to minors. Every person who shall trade, give, loan or otherwise furnish any pistol, revolver, * * * or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Claflin

Section 19. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *

* * * * *

(f) Possession [of] any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following; (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture

of, transportation to, or sale of weapons to persons authorized under (i) through (iv) of this subsection to possess such weapons.

Section 20. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Concordia

Sec. 15-37. Unlawful use of weapons generally.

Sec. 15-37(a). The following acts shall constitute unlawful use of weapons and a misdemeanor:

(1) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *.

* * * * *

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Sec. 15-37(b). Paragraphs (1), (2), (3) and (4) of section 15-37 (a) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duties;

(4) Manufacture of, transportation to, or sale of weapons to persons authorized under paragraphs (1) through (3) above to possess such weapons.

Sec. 15-40. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to a person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Unlawful disposal of firearms is a misdemeanor.

Countryside

Ordinance 68

Section 1. It shall be unlawful at any time for any person, partnership, company, corporation or association to have in their possession or under their control or supervision; or to make, manufacture, offer for sale, and sell, or distribute, whether the same be with or without consideration, any type of gasoline or other inflamable explosive or incendiary bombs, including all such devices commonly known as a Molotov Cocktail, within the corporate limits of the City of Countryside, Kansas.

Derby

Ordinance 954

Section 9.80.010. It is unlawful for anyone within the city to unlawfully use any weapons.

Section 9.80.020. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *.

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possession or carrying any firearms designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Section 9.80.030. Exemptions. (a) Subsections (a), * * * (d) and (g) of this section shall not apply to or affect any of the following: (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons, accused or convicted of crime; (3) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (4) Manufacture of, transportation to, or sale of weapons to persons authorized under (1) through (3) of this subsection to possess such weapons.

* * * * *

It shall be a defense if the defendant i within an exemption.

De Soto

63. Unlawful Use of Weapons. Unlawfu use of weapons is:

(a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length.

* * * * *

(f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

* * * * *

Dodge City

20-118. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length,

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

20-121. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or (b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or (c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

20-122. Defacing identification marks of a firearm. * * * * * (2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered or obliterated the same. * * * * *

Eastborough

Section 63. Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less

than eighteen (18) inches in length, * * * (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

* * * * *

El Dorado

Article 10. Crimes against public safety

7-1001. Unlawful use of weapons.

a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length, * * *

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions:

1. Subsections "a" 1, * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

7-1003. Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Elkhart

9.40.010 Unlawful use. A. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen inches in length, * * *, [or] * * * * * 6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

9.40.020 Unlawful use—Exemptions. A. Subsections A 1, 2, 3 and 4 of Section 9.40.010 shall not apply to or affect any of the following:

1. Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to or sale of weapons to person authorized under 1 and 3 of this subsection to possess such weapons.

9.40.030 Firearm—Unlawful disposal. A. Unlawful disposal of firearms is knowingly:

1. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

2. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

3. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the defendent has not been imprisoned in the penitentiary.

9.40.040 Firearm—Unlawful possession. A. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

Ellinwood

8-701 Unlawful Use of Weapons: (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than 18 inches in length * * *.

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions: (a) Subsections (1) (a) (b) (c) (d) and (g) of this section shall not apply to or effect any of the following:

(i) Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (ii) Keepers of jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the Armed Services or Reserve Forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Emporia

15-306 same as 21-4201 Kansas State Law

Fairway

10-1001 same as 21-4201 Kansas State Law

10-1003 same as 21-4203 Kansas State Law

Florence

Article 10. Crimes Against Public Safety

10-1001 Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons is knowingly: 1. Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches (18") in length, * * *.

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

10-1003 Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary. Unlawful disposal of firearms is a Class A misdemeanor.

Garden Plain

Ordinance 271

Section 1. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches of length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Section 2. It shall be a defense that the defendant is within any of the following exceptions:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (i) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (ii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iii) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (ii) of this subsection to possess such weapons.

(b)Watchmen while actually engaged in the performance of the duties of their employment, or (i) Licensed hunters or fishermen while engaged in hunting or fishing; or (ii) Persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

Gardner

11-326. Unlawful use of Weapons. Unlawful use of weapons is:

(a) selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * *. * * * * * or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle or shotgun. Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Grandview Plaza

Ordinance 25-68

Section 2. From and after the effective date of this ordinance no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Grandview Plaza, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the City Clerk of Grandview Plaza, Kansas.

* * * * *

Section 4. No certificate of registration shall be issued to any of the following classes of persons:

(a) Any person under the age of 21 years.

(b) Any person convicted of a felony as defined by KSA 21-2611.

(c) Any person who is addicted to the use of narcotics or who is mentally retarded or is a habitual drunkard.

Section 5. No firearm as herein described shall be delivered into the possession of the purchaser thereof unless a period of forty-eight (48) hours shall have expired from the time of issuance of such certificate of registration and such certificate shall have been presented to the seller.

Haysville

8-1001 same as 21-4201 Kansas State Law

8-1003 Defacing identification marks of a firearm. * * *(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered or obliterated the same. (3) Defacing identification marks of a firearm is a class B misdemeanor.

8-1102 same as 21-4203

Herington

12-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons in knowingly: 1. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length. * * *

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions:

1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other insti-

tutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

12-1003. Unlawful disposal of firearms. Unlawful disposal fo firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Holton

14-501. Furnishing firearms to minors and mentally incompetent persons. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded * * * or any other dangerous weapon to any minor or to any person who is mentally incompetent.

* * * * *

14-502. Possession of firearms by minors. It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded * * * or any other deadly weapon.

* * * * *

Hutchinson

Sec. 24-1003. Unlawful disposal of firearms.

(a) Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the offender has not been imprisoned in the penitentiary.

(b) Unlawful disposal of firearms is a Class A misdemeanor.

Independence

17-212. Furnishing weapons to minors. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

17-213. Possession of weapons. Any person who shall have in his possession any pistol, revolver, or toy pistol by which cartridge may be exploded * * * shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

Junction City

18-3a101—Registration. Section 1. * * * no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Junction City, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the Chief of Police of the City.

18-3a104—Waiting period. Section 4. No firearm as herein described shall be delivered into the possession of the purchaser thereof until a period of 48 hours shall have transpired from the time of issuance of such certificate of registration and said certificate shall have been presented to the seller.

18-3a105—Exclusions. Section 5. The provisions of this Ordinance shall not apply to any duly authorized police officer, marshal, sheriff, constable, or other law enforcement officer designated by the federal, state, county or municipal governments, who purchase weapons to be used in the performance of their duties.

Kansas City

39-4. Permit to purchase or receive pistol or revolver—Required; exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun capable of propelling a metallic projectile, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions.

* * * * *

39-7. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

39-10. Transferring of firearms; permit required; penalty for violation of chapter. 39-10(1). It shall be unlawful for any person to make arrangements in the City of Kansas City, Kansas, to transport or meet a person outside the city limits for the purpose of selling, loaning for a consideration or giving, or purchasing, borrowing for a consideration or accepting as a gift, any pistol, revolver, or gun of any kind with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of

the gun sold within three (3) days of the transfer.

Leavenworth

14-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length, * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

14-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

14-1016. Molotov cocktails. Unlawful possession, use and transportation of "Molotov Cocktail" is the transporting, use or possession or control of a container of incendiary or explosive material, liquid, solvent or mixture, equipped with a fuse, wick or other detonating device of a kind commonly known as "Molotov Cocktail."

Lenexa

10.1. Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *. * * * * * [or] (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted or crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

10.2 Unlawful possession of a firearm. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

10.3 Defacing identification marks of a firearm. Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

* * * * *

10.08 Molotov cocktail—possession, manufacture, etc. It shall be unlawful for any person to have in his possession or under his control or supervision, or to make, manufacture, offer for sale or sell or distribute, whether the same be with or without consideration, any type of gasoline or other inflammable or explosive incendiary bomb, commonly known as a Molotov cocktail, within the city.

Lenora

Sec. 3. It shall be unlawful for any person to make, sell, or furnish any pistol, * * * or weapons of any description * * * to any minor within the corporate limits of the City of Lenora, Kansas, and any minor found in possession of any of the above described weapons, shall be punished according to the penalty prescribed for any violation of this ordinance.

Lyons

13-001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length * * *;

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1 * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

13-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Madison

9-310. Minors or Incompetents, Furnishing Weapons to. It shall be unlawful for any person to sell, trade, give, loan of otherwise furnish any pistol or revolver by which cartridges may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

Manhattan

10-1201. Dealer receives written commitment from buyer. No person, partnership

or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than ten inches, may deliver possession of such firearms, until the expiration of forty-eight hours from the date the sale of said firearm is consummated. For the purpose of this article, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

10-1202. Any dealer subject to the provisions of Section 1 hereof shall forthwith upon the consummation of the sale of such firearms as defined herein, report such sale to the Chief of Police of Manhattan, Kansas, within twenty-four (24) hours after the consummation of the sale of said firearm, describing therein the firearms sold. [Contact local authorities for required contents] * * *

10-1203. Any dealer who shall violate or fail to comply with the provisions of this ordinance, or any person who as a buyer of such firearms shall give false information to said dealer or otherwise violate any of the provisions of this ordinance, shall upon conviction be fined One Hundred Dollars ($100.00) or imprisoned in the City Jail for not more than thirty (30) days, or both such fine and imprisonment.

Merriam

Ordinance 457

Section 3: Permit to purchase or receive pistol or revolver—required: Exceptions It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration, or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than 9 inches long, unless the purchaser, borrower, or person accepting the same has then and there a permit, dated less than 10 days prior to such sale, loan, or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. * * *

Section 6: Small firearms. To be stamped with trademark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver, or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy, or in anywise procure the possession of any pistol, revolver, or the firearm, of the size which can be concealed upon the person, unless such firearm is stamped as required by this Section.

Section 7: Record of sales and purchases of small firearms. No wholesaler or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information as stamped thereon in accord with Section 6, the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. * * *

Mission

8-801. Unlawful use of Weapons. (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions: (a) Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

8-802. Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less then twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

8-803. Unlawful Possession of a Firearm. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

283-3. Permit to purchase or receive pistol or revolver—Required. Exceptions: It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

* * * * *

Mulvane

10-1001 same as 21-4201 Kansas State Law

10-1002 same as 21-4203 Kansas State Law

10-1003 Defacing identification marks of a firearm. * * *(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same. (3) Defacing identification marks of a firearm is a class B misdemeanor.

* * * * *

Ness County

10-310. Minors or incompetents, furnishing weapons to. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol or revolver by which cartridges may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

Newton

17-1001. Unlawful use of weapons. (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen (18) inches in length * * *.

* * * * *

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

17-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearm to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Nickerson

9-164. Weapons—Sale to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol or revolver, by which cartridges may be exploded, * * * to any minor or to any person of notoriously unsound mind shall, upon conviction, be guilty of a misdemeanor.

13-601. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun, with a barrel less than eighteen (18) inches in length, * * * or

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *

(2) Exemptions. A. Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any persons summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

North Newton

Section 1. same as 21-4201 Kansas State Law

Section 3. same as 21-4203 Kansas State Law

Olathe

9.16.050 Minors or incompetents—Furnishing weapons to. It is unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

239-65 Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * * or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle or shotgun.

Sub-sections (a) * * * of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Osawatomie

11-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18) in length * * *

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1 * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

11-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less then twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his

conviction if the offender has not been imprisoned in the penitentiary.

Oskaloosa

11-217. Furnishing weapons to minors or persons of unsound mind. It shall be unlawful for any person to sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, * * * or other dangerous weapons to any minor, or to any person of notorious unsound mind.

* * * * *

Overland Park

11.60.010 Unlawful use of weapons. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * * [or] F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

11.60.020 Exceptions to Section 11.60.010. Subsections (A) through (D) of Section 11.60.010 do not apply to or affect any of the following:

A. Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers;

B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

C. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

D. Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Pittsburg

15-605. Furnishing weapons to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than $5.00 nor more than $100.00.

15-606. Possession of weapons by minors. Any minor who shall have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded * * * shall, upon conviction thereof, be fined in any sum not less than $1.00 nor more than $10.00.

Prairie Village

10.04.620 Unlawful use of weapons. A. Unlawful use of weapons is:

1. Selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

Pratt

11-1001 same as 21-4201 Kansas State Law

11-1003 same as 21-4203 Kansas State Law

Roeland Park

Ordinance 279

* * * * *

Section 3. Permit to purchase or receive pistol or revolver—Required: exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

* * * * *

Section 6. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Section 7. Record of sales and purchases of small firearms. No wholesale or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information stamped thereon in accord with section six (6), the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. Such record shall be open to inspection at all times during normal business hours to any police officer or other peace officer of this state.

Selden

Ordinance 15

Section 20: Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol by which cartridges or cape may be exploded * * * or any other dangerous weapon to any minor or any person of notoriously unsound mind, shall upon conviction be fined * * *.

Shawnee

13-1101. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly;

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *

(2) Exemptions.

(a) Subsections (1)(a), (b), (c) and (d) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

13-1102. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

13-1103. Unlawful possession of a firearm. (1) Unlawful possession of a firearm is:

(a) Possession of any firearm by an habitual drunkard or narcotics addict; or

(b) Possession of a firearm with a barrel less than twelve inches (12") long by a person who within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

South Hutchinson

Ordinance 323-A

Section 23. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches in length, * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Section 24. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Sterling

Sec. 17-33. Same—Unlawful possession or carrying. (1) Unlawful use of weapons, hereby declared to be an offense, is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches in length, * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), and (d), of this section shall not apply to or affect any of the following: (i) law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

* * * * *

Topeka

12-216. Furnishing weapons to minors or persons of unsound mind. It shall be unlawful for any person to sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, * * * or other dangerous weapons to any minor, or to any person of notorious unsound mind.

Valley Center

9.78.010 Unlawful use defined. Unlawful use of weapons is knowingly: A. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *.

9.78.020 Exemptions. A. Section 9.78.010A, B, C, D and G shall not apply to or affect any of the following:

1. Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duties;

4. Manufacture of, transportation to, or sale of weapons to person authorized under (1) through (3) of this subsection to possess such weapons.

Wakeeney

Article 10. Crimes against public safety

11-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length,

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under

(a) through (c) of this subsection to possess such weapons.

* * * * *

11-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Wellington

18-611. Molotov Cocktail. It shall be unlawful for any person to transport, use or have in his possession or control a container of incendiary or explosive material, liquid, solid or mixture, equipped with a fuse, wick or any other detonating device of a kind commonly known as a "Molotov Cocktail". * * *

Wellsville

Article 12

12-1215. Deadly weapons to minors and unsound persons. Any person who shall sell, trade, loan, or otherwise furnish any pistol, revolver, * * * to any minor or to any person of notoriously unsound mind, upon conviction, shall be fined * * *.

Westwood

10.1 Unlawful use of weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * * * (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (b) wardens, superintendents and keepers of prisons, penitentiaries; jails and other institutions for the detention of persons accused or convicted of crime; (c) members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

* * * * *

10.2 Unlawful possession of a firearm. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

10.3 Defacing identification marks of a firearm. * * * * *Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Wichita

5.88.040 Sawed off rifles and shotguns; * * * (a) It is unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

* * * * *

Kentucky

State Law

Ky Revised Stat. Ann.

237.020 Right of Kentucky residents to buy firearms in contiguous states; reciprocity as to residents of contiguous states. (1) Residents of the Commonwealth of Kentucky shall have the right to purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in states contiguous to the Commonwealth of Kentucky.

(2) Residents of states contiguous to the Commonwealth of Kentucky may purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in the Commonwealth of Kentucky.

(3) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's state.

237.030 Definitions for KRS 237.040 and 237.050. (1) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.

(2) "Booby trap device" includes any device, or substance designed to surreptitiously or covertly take life, endanger life or destroy or damage property and shall not include firearms.

237.040 Criminal possession of destructive device or booby trap device. A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

(1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or

(2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States.

(3) Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

237.050 Exemptions. KRS 237.030 to 237.050 shall not apply to:

(1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;

(2) Any device which is lawfully possessed under the Gun Control Act of 1968, the Organized Crime Control Act of 1971, or any other law of the United States or this state, unless a crime is committed therewith;

(3) Non-lethal devices placed on the premises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;

(4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the Commonwealth;

(5) Inert devices which cannot readily be restored to operating condition; or

(6) The acquisition, possession, use, or control of firearms.

527.010 Definitions. The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(2) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

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

527.040 Possession of handgun by convicted felon; exceptions. (1) A person is guilty of possession of a handgun by a convicted felon when he possesses, manufactures, or transports a handgun when he has been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:

(a) Been granted a full pardon by the governor or by the President of the United States; or

(b) Been granted relief by the United States secretary of the treasury pursuant to the Federal Gun Control Act of 1968, as amended.

(2) Possession of a handgun by a convicted felon is a Class D felony.

(3) The provisions of this section shall apply only to persons convicted after January 1, 1975.

527.050 Possession of defaced firearm. (1) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

(2) Possession of a defaced firearm is a Class A misdemeanor.

Bellevue

131.11 Sale and purchase of weapons. (A) Sale. No person shall sell, give away or otherwise supply to any person, any pistol, revolver, deringer, * * * or other weapon of like character, which can be concealed on or about the person, without first requiring such person to produce a permit to purchase a weapon, signed by the chief of police.

131.13. (B) Permit required. No person shall purchase, or acquire by any means, any pistol, revolver, deringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit. * * *

Bromley City

7-301. Possession by Minors of Projectile-Shooting Instruments Prohibited. It shall be unlawful for any person eighteen (18) years of age or younger within the limits of this city to have in their possession any of the instruments (gun, pistol, rifle, shotgun or any firearm) mentioned in Section 7-300.

Cold Spring

Ordinance 99

Section 1 That it shall be unlawful in the City of Cold Spring, Campbell County, Kentucky, for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Cold Spring, Campbell County, Kentucky and signed by the City Marshal of the City of Cold Spring, Campbell County, Kentucky * * *.

[Section 2 contains weapons permit application requirements]

* * * * *

The sale, donation, supply or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Cold Spring, Campbell County, Kentucky, as hereinbefore set forth, shall be accomplished within ten (10) days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of ten (10) days from the date of its issuance.

Covington

Sec. 14-115. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or

(4) To any person that the seller, lender or donor has reasonable cause to believe is not of sound mind.

Danville

1. No person, firm or corporation whether a licensed or unlicensed dealer or one who sells in a casual sale, shall sell any pistol, revolver, Derringer * * * or other weapon of like character which can be concealed on or about the person except to one to whom a permit for the purchase of a weapon has been issued * * *. Only one such weapon shall be sold for each permit so issued.

Erlanger

Ordinance 1010

Section 130.01 Sale of pistol or like weapon; permit required. (a) No person shall sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Erlanger and signed by the chief of police as hereinafter provided.

(b) No person shall purchase or otherwise receive any pistol, revolver, derringer or other weapon of like character, which can be concealed on the person, without first securing from the City of Erlanger, a weapon permit signed by its chief of police * * *.

The sale, donation, supplying or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Erlanger, as hereinbefore set forth, shall be accomplished within ten (10) days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of ten (10) days from the date of its issuance.

Frankfort

9.36.090 Minor possessing * * * firearm. It is unlawful for any person, firm or corporation to sell or give away to any person under eighteen years of age any * * * gun within the city limits.

* * * * *

Lebanon

Section II That it shall be unlawful for any person to sell or furnish any minor or

infant * * * with any firearm of any kind or character for the purpose of use within the City limits of the City of Lebanon, or which shall be used by said minor or infant within the City limits of the City of Lebanon, or to furnish any minor or infant with ammunition for said firearms, * * *.

Lexington-Fayette Urban County Government

Sec. 13-57. Same—License and permits for concealed deadly weapons—Required. It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without securing a license so to do, * * * and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase a weapon * * *

Sec. 13-59. Same—Same—Permit for purchase, refusal of permit when. (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do. * * *

Sec. 14-40. Same—Supplying small arms ammunition to. No person shall sell, give, or otherwise supply to any child under the age of eighteen years in the city any small arms ammunition, and no person shall purchase for the use of or place such small arms ammunition in the possession of any such child in the city. * * *

Louisville

747.01 Definitions.

Fire Bomb: A breakable container containing a flammable substance or liquid and having a wick or similar device and capable of being ignited. No device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb.

Dispose of: To give, lend, offer for sale, sell, transfer, hurl, throw, drop, or caused to be hurled, thrown or dropped, or to abandon at any location.

Explosive: Any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon the application of heat, flame, shock or electricity including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, detonators and detonating cords, but not including any fireworks or ammunition for firearms or any black or smokeless propellant powder or primers or any other component of ammunition for firearms.

Licensee: A dealer or manufacturer of explosives licensed under this ordinance.

Permittee: Any user of explosives for lawful purposes who has obtained a user permit under the provisions of this ordinance.

747.02 Possession or ownership of firebombs.

(a) It shall be unlawful to own, make, possess or dispose of a fire bomb, tear gas bomb, stink or acid bomb.

(b) It shall be unlawful to possess any recognizable component part of a firebomb with intent to use such component, material or substance to set fire to or burn any building, structure or property.

(c) This section shall not prohibit the authorized use or possession of any device, substance or material described herein by a member of the Armed Forces of the United States or any Reserve component thereof or of the National Guard of the Commonwealth of Kentucky or by a duly authorized Fireman, Policeman, or Peace Officer acting pursuant to official duty, nor shall the use or possession of such device, substance or material for the sole purpose of scientific research or education or for lawful burning be prohibited.

711.01 Definitions When used in this Ordinance, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Collector. Any person who acquires, holds, or disposes of firearms as curios or relics.

Concealable firearm. Any pistol, or revolver, or other weapon by whatsoever name known, other than an antique firearm as herein defined, designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such a weapon; the term "concealable firearm" shall include any other such weapons irrespective of their original design which have received such extensive modification to stock, barrel or otherwise as to make them sufficiently small to be readily concealable on the person: in addition, the term "concealable firearm" shall include tear gas guns, tear pens, tear gas pencils, pen guns, mace cans, or other similar devices capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious to human health or safety.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories;

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms which are certified by the curator of a municipal, state or federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event.

Dealer. Any person engaged in the business of selling concealable firearms at wholesale or retail; any person engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks or trigger mechanisms to concealable firearms; or any person who is a pawn broker.

Felony. Any offense punishable by imprisonment for a term exceeding one (1) year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two (2) years or less.

Frame or receiver. That part of a concealable firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Indictment. Includes an indictment or information in any Court under which a crime punishable by imprisonment for a term exceeding one (1) year may be prosecuted.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any concealable firearm as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

711.02 Sale or transfer of concealable firearms. No sale, transfer or delivery of a

concealable firearm shall be made within the City of Louisville to any of the following:

(a) A person under twnety-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent, or any person who is a known drug addict;

(f) A person who is not a resident of the Commonwealth of Kentucky;

(g) A person who has been convicted of public drunkenness three (3) or more times within the year last past before the proposed sale, transfer or delivery;

(h) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.03 Ownership or possession of concealable firearms. It shall be unlawful for anyone within the following categories to own, possess or exercise any degree of control over a concealable weapon:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent or who has been committed to any mental institution.

(f) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.04 Licensing of dealer. Any person who engages in the business of a dealer as defined in this Ordinance in the City of Louisville shall secure a license from the City to conduct such business * * *.

711.05 Sale by dealer. Every dealer who makes a sale, transfer or delivery of a concealable firearm to any person other than another licensed dealer or licensed collector shall first require the purchaser to execute in full an affidavit on a form provided by the Louisville Division of Police * * *.

* * * * *

The aforesaid affidavit shall be signed and sworn to by the prospective purchaser before a person authorized to administer oaths.

711.06 Completion of sale and report to the Louisville Division of Police. After the prospective purchaser or transferee of a concealable firearm has executed the affidavit hereinabove provided for, the dealer shall allow a period of not less than 24 hours to expire before the completion of any sale or transfer of the concealable firearm to the purchaser or transferee.

Upon the completion of the sale or transfer, the dealer shall execute a certificate on a form provided by the Louisville Division of Police * * *.

* * * * *

The purchaser or transferee shall sign the aforesaid certificate acknowledging receipt of the concealable firearm described therein. The dealer shall also sign the aforesaid certificate.

The dealer and purchaser or transferee shall swear to the accuracy of the information contained therein before a person authorized to administer oaths. * * * * *

711.07 Report of sale by seller other than dealer. Every person who is not a licensed dealer or collector who makes a sale, loan, gift or any other transfer or delivery of a concealable firearm to anyone who is not a licensed dealer or collector shall within twenty-four (24) hours after such sale, loan, gift, transfer or delivery mail or deliver to the Louisville Division of Police a certificate on a form provided by the Louisville Division of Police * * *.

* * * * *

Said certificate shall be signed by the person making such sale, loan, gift, transfer or delivery and by the purchaser or recipient acknowledging receipt of the concealable firearm.

It shall be the duty of both the person making such sale, loan, gift, transfer or delivery as well as the person purchasing or receiving the concealable firearm to see that the provisions of this section are complied with, and failure to report such sale, loan, gift, transfer or delivery shall constitute a violation of this Ordinance by each.

711.09 Collectors license. Any person qualifying as a collector as defined in this Ordinance may make application to the Louisville Division of Police for issuance of a "Collectors License" and shall pay for said license the sum of Ten dollars ($10.00); said license shall be renewable annually for an additional fee of Five dollars * * *

711.11 Licensed collector may make immediate transactions. Any duly licensed collector hereunder may buy, sell or otherwise receive or transfer any firearms qualifying as curios and relics as defined herein without the necessity of reporting such transactions and without the elapsement of any waiting period.

711.13 Exclusions. 1. Despite any language to the contrary contained herein, it shall be lawful for the following persons to acquire, transfer, or purchase concealable firearms from a dealer or broker without the necessity of the affidavit and waiting period required by this Ordinance:

(a) Any governmental agency which is authorized to own or acquire firearms;

(b) Licensed dealers, manufacturers, wholesalers in all transactions between similarly licensed persons, in their usual course of business;

(c) Licensed pawnbrokers accepting a firearm as security or pledge for loan, unless or until the pawnbroker makes a sale or transfer or the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance and the waiting period shall be complied with, and the report of such sale or transfer shall be made as provided herein.

2. Despite any language to the contrary contained herein, it shall be lawful for the following persons to transport, possess and lawfully use concealable firearms for lawful purposes:

(a) Non residents of Louisville who are regularly enrolled members of any state or federal organization, service or agency who's members are legally authorized to purchase, or receive and transport concealable firearms;

(b) Non residents of Louisville regularly enrolled as members of clubs organized for firearms collecting or organized target shooting while such members are going to or from collectors gun shows, competitions and other organized convocations of such clubs;

(c) Non residents while lawfully engaged in hunting, fishing, or camping or going to or returning from hunting, fishing or camping;

(d) Non residents engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representatives of such person while engaged in the lawful course of such business.

Newport

Sec. 117.01 Licensing of dealer. Every person hereinafter called "dealer," engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the city, and shall pay an annual license fee of $25 to conduct the business of buying or selling pistols, revolvers and like or similar instruments, and the $25 license fee shall be in addition to any other business license held by said dealer.

Sec. 117.02 Dealer's bond. (A) Before a license shall be issued, such dealer shall execute a bond to the city in the minimum of $1,000, either in cash or with corporate surety, to be approved by the city manager.

* * * * *

Sec. 117.04 Purchaser's qualifications. No "dealer" shall make any sale of, or deliver,

any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicated he has been involved in any felony or any misdemeanor involving the use of firearms, then the "dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property, or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

Sec. 117.05 Report of sale. When the "dealer" ascertains that the prospective purchaser is properly qualified and has executed the affidavit, as above provided, he may complete the sale and deliver the pistol, revolver or like or similar instrument to the said purchaser. * * *

Sec. 117.07 Sale to unlicensed "dealers." No person shall sell a revolver, pistol or like or similar instrument to any unlicensed "dealer" at any time.

Sec. 117.08 Sale to minors. No person shall sell a revolver, pistol or like or similar instrument to any minor at any time. (Ord. 1094, Sec. 8)

Sec. 117.09 Wholesalers excepted. Nothing contained in this chapter shall apply to sales at wholesale to a licensed "dealer."

Paris

Sec. 11-19. Various deadly weapons—Permits to buy and sell; required reports. (a) It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on or about the person, without securing a license so to do as hereinafter provided, and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase the weapon. * * * * *

(d) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

Park Hills

Ordinance 3

Section 1. Licensing of Dealer: Every person, firm or corporation hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, * * * shall secure a license from the City of Park Hills. * * *

Section 4. Purchaser's Qualifications: No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the Prospect purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

* * * * *

Section 7. Sale to Unlicensed "Dealers": It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer", at any time.

Section 8. Sale to Minors. It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

West Buechel

Section 135.30. Definitions pertaining to weapons offenses. For the purpose of this subchapter the following words shall have the following meaning ascribed to them respectively:

(A) "Deface." To remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(B) "Firearm." Any weapon which will expel a projectile by the action of an explosive.

* * * * *

Section 135.34. Possession of a defaced firearm. (A) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

Louisiana

State Law Rev. Stat.

La. Stat. Ann.

Title 40

Sec. 1751. Definitions. For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

Sec. 1752. Handling of machine guns unlawful; exceptions. No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard, and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States

was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

Sec. 1753. Transfers of possessions permitted in certain cases; method. No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

(Sec. 1754. requires that every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him)

Part II: Registration

Sec. 1781. Definitions. For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than eighteen inches in length; a rifle having a barrel of less than sixteen inches in length; any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than twenty-six inches; any other firearm, pistol, revolver or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

Sec. 1782. Exemptions from Part. This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

Sec. 1783. Registration with department of public safety. Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

Sec. 1784. Application to possess or transfer. No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written application in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

Sec. 1785. Possession or dealing in unregistered or illegally transferred weapons. No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

Sec. 1787. Importation, manufacture, or dealing in without registration. Upon first engaging in business, every importer, manufacturer, and dealer in firearms shall register with the department his name or style, principal place of business and other places of business in this state. No person required to register under the provisions of this Section shall import, manufacture, or deal in any firearm without having registered as required by this Section.

Sec. 1788. Identification with number or other mark; obliteration or alteration of number or mark. A. Each manufacturer, importer, and dealer in any firearm shall identify it with a number or other identification mark approved by the department and shall mark or stamp or otherwise place the number or mark thereon in a manner approved by the department.

B. No one shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Sub-section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.

Part III. Purchase of rifles and shotguns

Sec. 1802. Definitions As used in this Part:

(1) "A state contiguous to this state" shall mean any state having a common border with this state.

(2) All other terms shall be given the meaning prescribed in 18 U.S.C. Sec. 921 (The Gun Control Act of 1968, Public Law 90-618), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

Sec. 1803. Purchase of rifle or shotgun or ammunition. It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

Title 14

91. Unlawful sales to minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.

95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies.

A. It is unlawful for any person who has been convicted of first or second degree murder, manslaughter, aggravated battery, aggravated or simple rape, aggravated kidnapping, aggravated arson, aggravated or simple burglary, armed or simple robbery, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony or any crime defined as an attempt to commit one of the above enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above enumerated crimes, to possess a firearm or carry a concealed weapon.

* * * * *

C. Except as otherwise specifically provided, this Section shall not apply to the following cases: (1) The provisions of the Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies shall not apply to any person who has not been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

(2) Upon completion of sentence, probation, parole, or suspension of sentence the convicted felon shall have the right to apply to the sheriff of the parish in which he resides, or in the case of Orleans Parish the superintendent of police, for a permit to possess firearms. The felon shall be entitled to possess the firearm upon the issuing of the permit.

* * * * *

Abbeville

Section 95. Illegal carrying of weapons. A. Illegal carrying of weapon is: * * * (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or

* * * * *

Section 95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies. A. It is unlawful for any person who has been convicted of first or second degree murder, manslaughter, aggravated battery, aggravated or simple rape, aggravated kidnapping, aggravated arson, aggravated or simple burglary, armed or simple robbery, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony or any crime defined as an attempt to commit one of the above enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which if committed in this state, would be one of the above enumerated crimes, to possess a firearm or carry a concealed weapon.

* * * * *

Arnaudville

Section 7:130 same as Section 95 Abbeville.

Bastrop

Section 10-83 same as Section 95 Abbeville.

Berwick

Section 14-38 same as Section 95 Abbeville.

Bogalusa

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Coushatta

Criminal Code

Article 58. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. * * *

Article 59. Illegal carrying of weapons: Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien * * * * *.

Covington

Section 14-109 same as Section 95 Abbeville.

Crowley

8-44. Weapons—Illegal carrying. (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

* * * * *

Denham Springs

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *

DeRidder

7-68. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Sec. 21-223. Retail dealers in pistols, rifles or cartridges. * * * * * (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges. * * *

East Baton Rouge Parish

94. same as Section 95 Abbeville.

Ferriday

Article 61. same as Section 95 Abbeville.

Franklinton

Sec. 8-69. Unlawful sales to and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Gonzales

Section 11-56 same as Section 95 Abbeville.

Harahan

Ordinance 192

Section 1. * * * it shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol, revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

Section 2. * * * any person, firm or corporation interested in the sale, assignment, pledge, lease, loan, gift, transfer or purchase of any pistol, revolver or rifle, as aforesaid, shall file written application in duplicate on application forms issued in blank for those purposes by the permit department of the Sheriff of the Parish of Jefferson. Applications shall be filed by both the proposed vendor and the proposed vendee. The applications shall set forth in the original and duplicate, the manufacturers number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the Permit Department of the Sheriff of the Parish of Jefferson, and if approved, the original shall be returned to the applicant.

Houma

9-31. same as Section 95 Abbeville.

Jean Lafitte

Ordinance 25

Article 40. same as Section 95 Abbeville.

Jefferson Parish

Section 12-17.1. All dealers in firearms, prior to delivering any firearm, will ascertain from the Jefferson Parish Sheriff's Office that the purchaser is not a convicted felon and is not charged as a felon.

(a) Dealers in firearms will contact the Sheriff's Office to determine if a buyer is a convicted felon or if felony charges are pending. Dealers will indicate on their record the name of the deputy who conducted the electronic investigation.

(b) It shall be unlawful for any person in the Parish of Jefferson to sell, offer for sale, assign, pledge, lease, loan, give, transfer, purchase or receive any firearm, pistol or revolver to or from a known felon.

Jennings

20-49. same as Section 95 Abbeville.

Kenner

10-93. Wholesale dealers in pistols, rifles or cartridges. Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges, and all rifles except .22 and .25 calibers, and rifle cartridges, except .22 and .25 calibers, shall pay an annual license on the said business. * * *

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

10-94. Retail dealers in pistols, rifles or cartridges. (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Kentwood

Sec. 11-4007 same as Section 95 Abbeville.

Lafayette City

B. No person shall sell at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in Title 47, Section 382 and Section 383, and without first obtaining the license imposed by this Ordinance authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette Parish

B. No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in Section 32 of this Ordinance, or without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lake Providence

Ordinance 1161

Section II. Illegal Carrying or Possession of Weapons: Illegal carrying or possession of weapons is: * * * * * 3. The receipt, possession, carrying, concealment, buying, selling or transferring, of any machine-gun, shotgun having a barrel of less than twenty (20) inches in length, rifle having a barrel of less than sixteen (16) inches in length, hand-grenade, gas-grenade, muffler or silencer, which has not been properly registered with the Louisiana Department of Safety.

Livingston

Section 11-4007 same as Section 95 Abbeville.

Mamou

Section 9.82.010 Unlawful sales to minors—Defined—Penalty. "Unlawful sale

to minors" is the selling or otherwise delivering for value by anyone over the age of seventeen years of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one years. Lack of the knowledge of the minor's age shall not be a defense.

* * * * *

Section 9.86.010 Defined—Nonapplicability—Penalty. A. "Illegal carrying of weapons" is: * * * 2. The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon at any time by an enemy alien; * * *

Mandeville

Section 11-65 same as 9.82.010 Mamou.
Section 11-66 same as 9.86.010 Mamou.

Many

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivery for value by anyone over the age of seventeen of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minors' age shall not be a defense.

Monroe

10-20. Dangerous weapons—Illegally carrying. It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Montgomery

Section 1. same as Section 95 Abbeville.

Morgan City

Sec. 10-11. * * * sale of firearms to minors. It shall be unlawful for any person to sell, offer, or expose for sale within the corporate limits of the city, * * * to sell firearms to minors.

New Orleans

Section 67-2.1. Illegal possession or ownership of firearms or other dangerous instruments by convicted felons. It shall be unlawful for any convicted felon to possess or own any firearm or other instrument, customarily used or intended for use as a dangerous weapon. * * *

Section 67-7. Unlawful to sell, etc., certain weapons to persons under eighteen. It shall be unlawful for any person to sell, lease or give through himself or any other person any pistol, * * * toy pistol for which cartridges are used or other dangerous weapon which may be carried concealed to any person under the age of eighteen years.

* * * * *

Article II. Regulation of Sale of Firearms.

Section 67-10. Sale of pistols, etc., forbidden except upon compliance with article. It shall be unlawful for any person in the city to sell, give away, lend, exchange or otherwise dispose of or transfer in the city or for any person to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

Section 67-11. Application to purchase articles referred to in preceding section. Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the person desiring to obtain any such article shall file a written application, in duplicate, with the Superintendent of Police of the city. Such application shall be signed in duplicate and state the residence and business address of the applicant and his occupation, age, color, sex, height, weight, color of hair, eyes, scars and other visible markings and give a full description of the article, whether new or used, with the names, letters, numbers and other identification marks and style thereof and the name of the person from whom such article is to be obtained. The Superintendent of Police may also require the fingerprints of the applicant as part of such application.

Section 67-12. Oath that applicant has not been charged with felony. Each applicant for a permit under the provisions of this article shall be required to swear under oath, before the Superintendent of Police or any other officer of the Department of Police, designated by the Superintendent, that he has not been previously charged with or convicted of any felony.

* * * * *

Section 67-17. Unlawful to obtain for or transfer to another, etc. It shall be unlawful for any person to obtain the transfer of any article, for the account of, or to sell, give away, lend, exchange or otherwise dispose of any such article to another person and it shall be unlawful for any person to employ or procure anyone to apply for or obtain the transfer of any such article or to aid and abet in such violation of this article.

New Roads

2. same as Section 95 Abbeville.

* * * * *

Oakdale

Sec. 8-67. Unlawful sales to minors. (a) Unlawful sales to minors is the selling, or otherwise delivering for value, by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Sec. 8-68. Illegal carrying of weapons. (a) Illegal carrying of weapons is: * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien;

* * * * *

Sec. 23-261. Retail dealers in pistols, rifles, and cartridges. (a) Every retail dealer in pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers, or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, shall pay an annual license tax on the said business.

* * * * *

(c) No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this section or section 23-260.

Opelousas

Sec. 18-8. (Minors)—Sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

Patterson

Section 15-40. same as Section 95 Abbeville.

Plaquemine

Sec. 11-69. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21) and shall be unlawful. Lack of the knowledge of the minor's age shall not be a defense.

Sec. 11-70. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (b) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: * * * * *.

Rodessa

Article 61. same as Section 95 Abbeville.

Springhill

Article 61. same as Section 95 Abbeville.

Vernon Parish

Ordinance 4 of 1974

Section I. It shall be unlawful for any business, firm or corporation, to sell, lease or give, individually or by agent, any pistol, * * * toy pistol for which cartridges are used, or other dangerous weapon which may be carried concealed, to any person under the age of eighteen.

Section II. It shall be unlawful for any business, firm or corporation, in Vernon Parish to sell, give away, lend, exchange or otherwise dispose of or transfer in Vernon Parish or for any business, firm or corporation to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

Section III. Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the business, firm or corporation desiring to obtain any such article shall file a written application, in duplicate, with the Sheriff of Vernon Parish. The Sheriff of Vernon Parish may also require the fingerprints of the applicant as part of such application.

Section VI. The transfer under applications to purchase articles under this article shall be made only between the hours of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

Section VIII. The word "business" in the foregoing article, will apply to any person or individual who is conducting a business of selling or distributing guns or other weapons, provided, however, that this will not apply to a private transaction as between two individuals, neither of whom is engaged in the business or enterprise of selling guns or other weapons.

Vinton

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of the knowledge of the minor's age shall not be a defense. * * * * *

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * *

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *.

Walker

Article 60 same as Section 95 Abbeville.

Waterproof

* * * * *

(2) same as Section 95 Abbeville.

Welsh

Sec. 18-69. Unlawful sales to and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Westwego

Section 15:46. Illegal carrying of weapons * * * B. Illegal carrying of weapons is: * * * 2. The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or * * *

* * * * *

Section 15:160. Sale or distribution of guns, permits required. A. It shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

B. Any person, firm or corporation interested in the sale, assignment, pledge, lease, loan, gift, transfer or purchase of any pistol, revolver or rifle, as aforesaid, shall file written application in duplicate on application forms issued in blank for these purposes by the permit department of the Sheriff of the Parish of Jefferson. * * * * *

Winnfield

* * * * *

Article 5. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense.

* * * * *

Winnsboro

Sec. 16-76. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen (18). Lack of the knowledge of the minor's age shall not be a defense. * * *

* * * * *

Sec. 16-110. Illegal carrying of weapons. Illegal carrying of weapons is: * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or * * *

* * * * *

Maine

State Law

Me. Rev. Stat. Ann.

Title 12

Sec. 2458. Silencers; * * * * *No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. * * * * *

Title 15

Sec. 391. Definitions. The following words and phrases when used in this chapter are defined as follows: "Pistol," "revolver" and "firearm" mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

Sec. 392. Application. The penal provisions of section 393 shall not apply to any person employed as a law enforcement officer or employed by a watch, guard or patrol agency licensed under Title 32, chapter 55-A.

Sec. 393. Possession of firearms prohibited for certain persons.

1. Possession prohibited. No person who has been convicted of any crime, under the laws of the United States, the State of Maine or any other state, which is punishable by one year or more imprisonment or any other crime which was committed with the use of a dangerous weapon or of a firearm against a person, except for a violation of Title 12, chapter 319, subchapter III, shall own, have in his possession or under his control any firearm, unless such a person has obtained a permit under this section.

* * * * *

7. Definitions. For the purposes of this section, the term "dangerous weapon" shall have the same meaning as in Title 17-A, section 2, subsection 9 and the term "firearm" shall have the same meaning as in Title 17-A, section 2, subsection 12-A.

Sec. 455. Record of sales of firearms. No dealer shall sell, let or loan any firearm to any person without first recording in a book kept for the purpose the name or make, calibre and number, if any, of said firearm, and the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, * * *

Title 17-A

Criminal Code

Sec. 2. Definitions. As used in this code, unless a different meaning is plainly required, the following words and variants thereof have the following meanings. * * * * *

12-A. "Firearm" means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be readily made into a firearm by the insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice, is a firearm.

Sec. 554. Endangering the welfare of a child.

1. A person is guilty of endangering the welfare of a child if * * * he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such a child (under the age of 16 years), * * * firearms or ammunition; * * *

2. It is an affirmative defense to prosecution under this section that:

* * *

B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 12.

Sec. 1051. Possession of machine gun

1. A person is guilty of possession of a machine gun if, without authority to do so, he knowingly possesses a machine gun.

2. As used in this chapter, "machine gun" means a weapon of any description, by whatever name known, loaded or unloaded, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism.

3. Possession of a machine gun is a Class D crime.

Sec. 1052. Right to possess, carry or transport machine gun. Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, shall be exempt from this chapter.

Title 25

Sec. 2041. Purchase by Maine residents in another state. Residents of the State may purchase rifles and shotguns in a state contiguous to the State of Maine, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the law applicable to such purchase in the State of Maine and in the contiguous state in which the purchase is made.

Bangor

Ch. VII; Art. 5

1.4 Sale of Cartridge to Children under Sixteen. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge of fixed ammunition or blank cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

Biddeford

Sec. 24-17. Defined. For the purpose of this article a "hand gun" shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition.

Sec. 24-18. Conveyances to conform to article. No person in the city shall sell, give or deliver to any person any hand gun except in accordance with the provisions of this article.

Sec. 24-19. Purchaser to sign certificate;* * * Any person desiring to sell, give or deliver a hand gun shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents]* * *

* * * * *

Sec. 24-20. Penalty for signing certificate containing false information. Any person who signs a certificate required in section 24-19 containing false information for the purpose of complying with the provisions of this article shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00).

Sec. 24-21. Police chief to examine purchaser's record, report results. Any person desiring to sell, give or deliver a hand gun shall deliver the certificate required in section 24-19 to the chief of police at police headquarters; and the chief shall have seventy-two (72) hours after receipt of the certificate to make an examination of the records contained in the police department and in state police headquarters at Augusta, Maine * * *.

Sec. 24-22. When selling, giving, delivering hand gun a violation. Any person selling, giving or delivering a hand gun to any person before the expiration of the seventy-two (72) hour examination period required by section 24-21 or when notified within such period by the chief of police that a person signing the certificate required by section 24-19 has been convicted of, or is under complaint

or indictment for, assault, assault and battery or a felony; is a user of or addicted to marijuana or any depressant, stimulant or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily has been a patient at, a mental institution, shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00).

Cape Elizabeth

1. No person, firm, or corporation in the Town of Cape Elizabeth shall sell and deliver to any person, or shall give or lend to any person except members of the household or upon the grounds of and for use at an established target range, any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents]* * *

4. Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Cape Elizabeth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven calendar days after delivery of said certificate to make an examination of the records contained in the police department of the Town of Cape Elizabeth, in the police department of any other municipality listed as an address on such certificate, and in State Police Headquarters at Augusta, Maine * * *

5. Any person, firm, or corporation selling and delivering, giving or lending a hand gun to any person without complying with the provisions of this Ordinance, or before the expiration of said seven calendar days or when notified within said period by the Chief of Police or his duly authorized representative [that the person is not eligible to receive a handgun] * * * shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00 * * *.

6. Any person who signs a certificate containing false information for the purpose of complying with the provisions of this Ordinance, or who accepts a hand gun without complying with the provisions of this Ordinance, shall be guilty of a violation of this Ordinance and subject to a fine of not more than $100.00 * * *.

Falmouth

1. Definition. No person, firm, or corporation in the Town of Falmouth shall sell, give, or in any manner transfer title to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. Hand Gun. A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. Certificate. Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents] * * *

4. Waiting period. Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Falmouth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the Town of Falmouth and in the State Police Headquarters at Augusta, Maine * * *

5. Penalty for selling. Any person, firm, or corporation selling, giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that [the person is not eligible to receive a handgun] * * * shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00.

Lewiston

Sec. 28-1. Sale of weapons to minors prohibited; placard required. (a) It shall be unlawful for any person in the city to sell or offer for sale any pistol, rifle, * * * gun, * * * or any other weapon of like kind to any child under the age of sixteen (16) years.

(b) In any establishment in the city wherein any pistol, rifle, * * * gun, * * * or any other weapon of like kind is offered for sale, there shall be conspicuously posted in such establishment by the person in charge of the operation of such establishment a placard or notice setting forth the provisions of this section. * * *

* * * * *

Article II. Hand Guns

* * * * *

Sec. 28-29. Defined. For the purpose of this article, a hand gun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition, except antique hand guns as defined by federal gun law.

* * * * *

Sec. 28-32. Conveyance to conform to regulations. No person in the city shall sell, rent or exchange to any person any hand gun, except in accordance with the provisions of this article.

* * * * *

Sec. 28-34. Police to examine purchaser's record. The person proposing to sell, rent or exchange a hand gun shall deliver to the police department the application required by this article, upon which shall be endorsed the time of receipt by the officer receiving the application. Upon receipt of the application, the police department shall, as soon as possible, but within seventy-two (72) hours thereafter, make an examination of its records, the records of the state police and the records of such other law enforcement agencies * * * [to determine if the applicant is eligible to receive a hand gun]

Sec. 28-35. Disposition prohibited pending investigation, after notification of bad record; notification procedure. No person shall sell, rent or exchange any hand gun to an applicant during the period of investigation required by this article or thereafter if notified during such period by the police department that the applicant [is not eligible to receive a hand gun] * * * Said notification shall be delivered to the person proposing to sell, rent or exchange the hand gun by an officer of the police department, obtaining at the time of delivery a receipt or acknowledgment of the notification and the time and date received, whenever possible.

* * * * *

Portland

Section 318.1 No person, firm, or corporation in the City of Portland shall sell, give, or deliver to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

Section 318.2 A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

Section 318.3 Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate * * *.

Section 318.4 Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the City of Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Portland

and in State Police Headquarters at Augusta, Maine * * *.

Presque Isle

20. Sale and use of firearms. A. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

South Portland

Sec. 26-4. Certain weapons not to be purchased from, furnished to minors, etc. No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Sec. 26-22. Person receiving hand gun to sign certificate; contents of certificate. A person selling, giving or delivering a hand gun to any person shall require the person seeking to purchase or obtain such firearm to sign a certificate [contact local authorities for required contents] * * *

Sec. 26-24. Duty to deliver certificate to police; police to conduct investigation, report results. (a) A person proposing to sell, give or deliver a hand gun to another person shall deliver the certificate referred to in section 26-22 to the chief of police, or his duly authorized representative, at police headquarters. The chief or his duly authorized representative shall have seven (7) days after receipt of the certificate to make an examination of the records contained in the police department of the city and in the state police headquarters in Augusta, Maine, and such other appropriate records [to determine if the applicant is eligible to receive a hand gun] * * *

(b) The chief of police or his duly authorized representative may waive the seven (7) day waiting period described in subsection (a) by written endorsement to that effect on the certificate.

Sec. 26-25. When disposition a violation; penalty. Any person selling, giving or delivering a hand gun to any person before the expiration of the seven (7) days referred to in section 26-24, or failing to complete the certificate referred to in section 26-22 and deliver it to the chief of police, or when notified within said period by the chief, or his authorized representative, that a person signing the certificate [is not eligible to receive a hand gun] * * * shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00), in addition to any other penalties which this chapter may impose.

Westbrook

24-2. Toy guns, cannons, etc., not to be sold, * * * railroad excepted. No person shall at any time sell or keep for sale * * * any toy pistol, toy gun, toy cannon or cane that can be used to fire a blank cartridge or potash and sulphur pellet, any fire balloon or blank cartridge. This section shall not apply to the use of signal torpedoes by railroads in the operation of their trains, to paper cap pistols or paper caps.

24-14. Defined. A handgun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition.

24-15. Disposition regulated. No person in the city shall sell, give or deliver to any person any handgun as hereinbefore defined, except in accordance with the provisions of the following sections.

24-16. Purchaser, etc., to sign certificate; contents; * * *. (a) A person selling, giving or delivering a handgun to any person shall require such person to sign a certificate [contact local authorities for required contents] * * *

24-17. Police chief to run investigation on purchasers. One disposing of a handgun shall deliver the certificate required by the preceding section to the chief of police at police headquarters, and the chief shall have seven (7) days after receipt of such certificate to make an examination of the records contained in the police department and in the state police headquarters, in Augusta, Maine, or other departments, [to determine if the applicant is eligible to receive a hand gun] * * * and to report such findings to the person filing such certificate.

24-18. Conveyance prior to investigation, when knowing purchaser's defects. Any person selling, giving or delivering a handgun to any person before the expiration of the seven (7) day period referred to in section 24-17 or when notified within such period by the chief of police that a person signing such certificate [is not eligible to receive a hand gun] * * * shall be guilty of a violation * * *

Maryland

State Law

The Ann. Code of Md.

27 Sec. 372. Definitions. "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape in any degree, mayhem, assault with intent to do great bodily harm, assault with intent to murder, assault with intent to rape, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

27 Sec. 373. Use of machine gun for crime. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a felony punishable by imprisonment in the State penitentiary for a term of not more than twenty years.

27 Sec. 374. Use of machine gun for aggressive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

27 Sec. 375. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in Sec. 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

27 Sec. 376. Presence prima facie evidence of use. The presence of a machine gun in any room, boat, or vehicle shall be evi-

dence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

27 Sec. 377. Exceptions. Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose; or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

27 Sec. 378. Manufacturer's register; inspection of stock. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the method and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not more than one hundred dollars.

27 Sec. 379. Registration of machine guns. Every machine gun now in this State shall be registered with the Superintendent of the Maryland State Police, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

* * * * *

27 Sec. 406. Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions. It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

27 Sec. 441. Definitions. (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

27 Sec. 442. Sale or transfer of pistols and revolvers. (a) Right to regulate sales preempted by State. All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer. No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the Superintendent of the Maryland State Police.

(c) Same—Disposition of copies. The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required. The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than two years, or a fine of not more than $1,000, or both."

(e) Same—Information required. The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least 21 years of age as required by federal law.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee. * * * * *

(g) Sale prohibited to disapproved applicant; exceptions. No dealer shall sell or

transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts * * *.

(i) Notification of completed transaction; permanent record of sales and transfers. Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section. Nothing in this section shall be construed to affect sales and/or transfers for bona fide resale in the ordinary course of business of a person duly licensed under Sec. 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard. * * * * *

27 Sec. 443. Pistol and revolver dealer's license. (a) Required. No person shall engage in the business of selling pistols or revolvers unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a pistol and revolver dealer's license issued by the Superintendent of the Maryland State Police or his duly authorized agent or agents. Such license shall identify the licensee and the location of his place of business. One such license shall be required for each place of business where pistols or revolvers are sold.

* * * * * *

(Contact Maryland State Police for additional information contained in Sec. 443 concerning fees for licenses to deal in pistols and revolvers, information required on applications for such license, prohibitions, denial procedure, appeals, etc.)

(f) Sales by disapproved applicants prohibited; exceptions.—No person shall engage in the business of selling pistols or revolvers whose application for a pistol and revolver dealer's license has been disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts * * *.

27 Sec. 444. Obliterating, etc., identification mark or number. It shall be unlawful for anyone to obliterate, remove, change or alter the manufacturer's identification mark or number on any firearms. Whenever on trial for a violation of this section the defendant is shown to have or have had possession of any such firearms, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number.

27 Sec. 445. Restrictions on sale, transfer and possession of pistols and revolvers. (a) Right to regulate transfer and possession of pistols and revolvers preempted by State. All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc. A dealer or person may not sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under 21 years of age as required by federal law.

(c) Possession by criminal, fugitive, etc. It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

27 Sec. 446. Sale, transfer, etc., of stolen pistol. It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

27 Sec. 447. Antique or unserviceable firearms excepted. The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

27 Sec. 481A. Purchase from licensed dealer in adjoining state. It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

27 Sec. 481C. Short-barreled rifles and short-barreled shotguns.

(a) **Definitions.**—(1) In this section, the following words have the meanings indicated.

(2) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(3) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The terms short-barreled shotgun and short-barreled rifle do not include:

(i) Antique firearms as defined in Sec. 36F(a)(1) of this article [Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.];

(ii) Any device which is neither designed nor redesigned for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

(iii) Any firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(b) Registration.—A person may not possess a short-barreled rifle or short-barreled shotgun unless the person has registered it with the United States government in accordance with United States statutes.

(c) Penalty.—Any person violating the provisions of this section is guilty of a misde-

meanor and upon conviction is subject to a fine not exceeding $5,000 or imprisonment not exceeding five years, or both.

Annapolis

Sec. 17-8. Same—Register of persons purchasing firearms or ammunition. Each person engaged in the selling or exchanging of any firearms, except shotguns and air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. Such register shall at all times be open to the inspection of the police.

Sec. 17-9. Same—Sellers of firearms or ammunition to register with city clerk. Each person engaged in the selling or exchanging of any kind of firearms or ammunition within the city shall register his name and place of business with the city clerk.

Sec. 17-10. Same—Selling, giving, etc., firearms or ammunition to minor under eighteen. It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away any firearms whatsoever or other deadly weapons or any ammunition therefor to any minor under the age of eighteen years, except with the express and written permission of a parent or guardian of such minor.

The provisions of this section shall not apply to a member of any organized militia in the state, when such member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Baltimore City

Article 19

97. Definitions. (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

101. Convicts not to possess. No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

104. Delivery to minors and others. No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

105. Order required for transfer. No seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, * * *. Such application shall be executed in triplicate. Said Police Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is [ineligible to receive a pistol] * * * said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. * * *

106. False information. No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

18-7. Purchase, sale, etc., in connection with minors. (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or user, or prospective possessor or user thereof, shall first file with the police bureau a statement of possession or use, which statement shall be retained by the police bureau. (Contact county authorities for required contents) * * *

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police bureau, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, be he licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.

Cheverly

Sec. 20-5. Supplying firearm materials or dangerous weapons to underage persons. It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away shotguns, rifles or any long guns whatsoever, or any ammunition, powder, shot or shells for any dangerous weapon, * * *, to any person under the age of eighteen (18) years. It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter, or give away handguns of all types except those classified as antiques to any person under the age of twenty-one (21) years.

Cumberland

19-11

Firearms-Pistols, Revolvers, etc.—Permit Required:

"(a) No person shall sell, give or lend to any person within the City a revolver, pistol, or other small firearm, unless such person has a permit from the Chief of Police authorizing the possession of such revolver, pistol or other small firearm.

"(b) This section shall apply to all persons within the City, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not."

19-12

* * * * *

"No person shall have possession of a revolver, pistol or other small firearm without such permit."

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, * * * or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice." * * *

Eagle Harbor

Chap. 4. Sec. 6. It shall be unlawful for any person or persons to sell to any child or children under age of seventeen (17) years any firearms, gun powder or loaded cartridges * * *

Montgomery County

Sec. 57-1. Definitions. The following words and phrases shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Crime of violence. Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with a deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Fugitive from justice. Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun. Any firearm, rifle, shotgun, revolver, pistol, * * * or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive * * *

Pistol or revolver. Any gun with a barrel less than sixteen inches in length that uses fixed ammunition.

Sell or purchase. Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

Subversive organization. Any "subversive organization" or "foreign subversive organization" as defined by article 85A, section 1, Annotated Code of Maryland, 1957.

Superintendent of police. The superintendent of police for the county or his duly authorized agents. * * *

Sec. 57-6. Transfer of rifles or shotguns to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile therefor within the county to a minor under the age of eighteen years; provided, that nothing contained within this section shall be construed to apply where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

Sec. 57-7. Unlawful ownership or possession of firearms. It shall be unlawful for any person * * * to have a rifle or shotgun in his possession, custody, or control within the county, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of article 27, sections 441 to 448, subtitle "Pistols", Annotated Code of Maryland, 1957 or any Federal firearms control laws; or

(c) He is a fugitive from justice; or

(d) He has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that in his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He is a member of a subversive organization or of any Communist organization (as that term is defined in the Internal Security Act of 1950, as amended); or

(f) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

Sec. 57-9. Exemptions from provisions of chapter. Nothing in this chapter shall apply to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun. Further, nothing in this chapter shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a firearm on his land for the purpose of killing predatory animals which prey upon, damage or destroy his property, livestock or crops.

Oakland

Section 1: Be it enacted and ordained by the Mayor and Town Council of Oakland, Maryland, that it shall be unlawful for any person, firms, or corporation, whether licensed dealers or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons, or any blank cartridge pistols or firearms, or any ammunition for the same, to any minor under the age of sixteen years, within the corporate limits of the Town of Oakland, Maryland.

Prince Georges County

12-3. * * * (Firearms) —Sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2. (any firearm, rifle, shotgun, revolver, pistol or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive) designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Takoma Park

Sec. 8-51. Definitions; weapons. * * * (a) As used in this Division:

(1) Dangerous weapons shall mean any pistol, excluding those defined in Subsection (a)(2), sawed off shotgun, machine gun, * * *.

(2) Pistol or revolver means any firearm with a barrel less than twelve (12) inches in length, including signal, starter and blank pistols.

* * * * *

Sec. 8-52. Exceptions to Article. (a) This Division shall not apply to:

(1) An officer of this City or any surrounding county, municipality, or the State who is required or entitled to carry a weapon.

(2) Any conservator of the peace of any other state temporarily sojourning in this City, or

(3) Any special agent of a railway or representative of the United States Government whose duties include the carrying of a dangerous weapon.

(b) This Division shall not apply to any pistol or revolver as defined in Section 8-51, Subsection (a)(2), or to any other weapon regulated under State law.

Sec. 8-53. Sales permit required. (a) No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any dangerous weapon without having previously obtained from the Clerk a special license authorizing the conduct of this business by this person. The Clerk is authorized to grant a license, without fee therefor, upon the filing with him by the applicant a bond, with sureties to be approved by the Mayor and Council, conditioned in a penal sum as they shall fix, to the City, for the compliance by the applicant with all the provisions of this Section.

(b) Upon any breech of the condition, the bond shall be put in suit by the City, for its benefit, and the Mayor and Council may revoke the license.

Sec. 8-57. Sales to minor prohibited. No person shall sell, barter, hire, lend, or give to any minor under the age of twenty-one (21) years any dangerous weapon.

Sec. 8-58. Sales of weapons to minors prohibited. (a) No person shall sell to any child or children under the age of eighteen (18) years, firearms, ammunition, gunpowder, gun caps, or other explosives in any quantity or quantities.

(b) Toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

Sec. 8-59. Minors not to possess weapons; exceptions. (a) No person under the age of eighteen (18) years shall carry or have in his or her possession upon any street, avenue, road alley, park or public space in the City any gun, pistol, rifle, * * * or other dangerous weapon of any character. Such weapons may be confiscated if found to be carried, or possessed, in violation of this Section;

(b) Nothing in this Section shall be so construed as to prohibit members of duly authorized military or law enforcement organizations from the proper use of their guns and other equipment as members of such organizations.

Upper Marlboro

Sec. 12-3. Same—sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2, designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Massachusetts

State Law

Ann. Laws of Mass.

Chapter 140

Sec. 121. Definitions; Application for License or Identification Card; Exceptions. In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachine gun. The term "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellent powder designed for use in any firearm, rifle or shotgun, The term "ammunition" shall also mean tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilt, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

Sec. 122. Licenses; * * * The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. * * * * *

Sec. 122B. License to Sell Ammunition. No person shall sell ammunition in the commonwealth unless duly licensed. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may grant a license to any person, except an alien, a minor or a person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell ammunition. * * * * *

Sec. 123. Conditions of Licenses Granted under Sec. 122. A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions: * * * * *

Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of public safety and to be kept for that purpose, specifying the complete de-

scription of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. * * * * *

Seventh, That no delivery of a firearm or of ammunition therefor shall be made to any minor nor to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any delivery of a rifle or shotgun or ammunition therefor be made to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B may be made by the licensee to the purchaser's residence or place of business. Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under section one hundred and thirty-one. * * * Eleventh, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. * * * * *

Sec. 128. Penalty for Violation of License or Selling, etc., without License. Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases, or exposes for sale, rental or lease, or has in his possession with intent to sell, rent or lease, a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for the first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for not more than ten years. Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

Sec. 128A. Sales, etc., by Certain Unlicensed Residents Who Sell, etc., not More than Four Firearms, etc., within Calendar Year, etc. The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed, as provided in section one hundred and twenty-two, sells, exposes for sale, or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year; provided, however, the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty of this chapter, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and firearm identification card number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

Sec. 129B. Firearm identification cards; form; conditions; * * * Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant (a) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from confinement where such person was serving a sentence for a felony conviction, or (b) has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or (c) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician to the effect that the physician knows the applicant's history of treatment and that in his opinion the applicant is deemed cured, or (d) is at the time of the application under the age of fifteen, or (e) is at the time of the application fifteen years of age or over but under the age of eighteen, except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card, or (f) is an alien. * * * * *

Sec. 129C. Application of section 129B; ownership or possession of firearms or ammunition; * * *, exemptions, * * * No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by

the licensing authority pursuant to the provisions of section one hundred and twenty-nine B. -

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver. * * * * *

The provisions of this section shall not apply to the following exempted persons and uses: * * * * *

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing; * * * * *

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier; * * * * *

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range; * * * * *

(l) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms; * * * * *

(o) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;

(p) Carrying or possession by nonresidents of so-called black powder rifles, shotguns, and ammunition therefor as described in such paragraphs (A) and (B) of the third paragraph of section 121, and the carrying or possession of conventional rifles, shotguns, and ammunition therefor by nonresidents who meet the requirements for such carrying or possession in the state in which they reside.

(q) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(r) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions; * * * * *

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun or ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of eighteen in violation of section one hundred and thirty nor may any firearm be sold to a minor nor to any person who is not licensed to carry firearms under section one hundred and thirty-one unless he presents a valid firearm identification card and a permit to purchase issued under section one hundred and thirty-one A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described.

Neither the provisions of section one hundred and twenty-nine C nor the possession of a firearm identification card issued under section one hundred and twenty-nine B shall entitle any person to carry a firearm in violation of section ten of chapter two hundred and sixty-nine.

Sec. 130. Penalty for Selling, etc., Firearms, etc., to Minor or Alien. Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall have his license to sell firearms, machine guns or ammunition revoked and shall not be entitled to apply for such a license for ten years from the date of revocation and shall be punished by a fine of not less than five hundred or more than one thousand dollars. * * * * *

Sec. 131. License to carry or possess firearms. The chief of police or the board or officer having control of the police in a city or town, or the commissioner of public safety, or persons authorized by them, respectively, after an investigation, may, upon the application of any person, including a minor eighteen years of age or older who has the written consent of his parent or guardian, residing or having a place of business within their respective jurisdiction, except an alien, a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs or a minor under the age of eighteen, issue a license to such applicant to * * * possess and carry therein (within the commonwealth) a machine gun, * * * provided, however, that no minor shall be issued a license to possess and carry a machine gun. A license issued * * * to possess and carry a machine gun shall be for a period of five years, expiring on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years from the date of issue. * * *

* * * * *

Sec. 131B. Penalty for Loan of Money on Pistol, etc. Whoever loans money secured by mortgage, deposit or pledge of a firearm, rifle, shotgun or machine gun shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both.

Sec. 131E. Purchase by Licensed Resident; * * * Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a fire-

arm identification card issued to him, a hunting or sporting license issued to him, and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. * * * * *

Sec. 131H. Ownership or possession of firearms by aliens; * * * No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said commissioner may deem proper. * * * * *

Chapter 269

Sec. 10. Penalty for Unlawfully Carrying Dangerous Weapons, Possessing Machine Gun, etc. * * * * * (c) Whoever, except as provided by law, possesses a shotgun with a barrel less than eighteen inches in length, or possesses a machine gun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty, shall be punished by imprisonment in the state prison for life or for any term of years provided that any sentence imposed under the provisions of this clause shall be subject to the minimum requirements of clause (a) of this section. * * * * *

(k) For the purpose of this section "sawed-off shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

Sec. 10A. Sale, etc., of Silencers for Firearms. Whoever sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. * * * * *

Sec. 11C. Removing, Defacing, etc., Serial or Identification Number of Firearm. * * *Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. * * *

Sec. 11E. Firearms Sold, etc., by Manufacturers and Dealers to Have Serial Identification Numbers; Penalty. All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered. No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

Chapter 266

Sec. 102A. Possession of Infernal Machine; Notice of Seizure. Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

Sec. 102B. Possession, etc., of Molotov Cocktail or Similar Device; Exceptions; Penalties. Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one half years, or both.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

Chapter 148

Sec. 35. Possession of Bombs and Explosives; Penalty. No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

Boston

(120) Firearms, license to carry or possess. The fee for a license to carry firearms in the commonwealth or to possess therein a machine gun granted by the police commissioner under section 131 of chapter 140 of the General Laws shall be $25.00.

(121) Firearms, permit to purchase, rent or lease. The fee for a permit to purchase, rent or lease a firearm granted by the police commissioner under section 131A of chapter 140 of the General Laws shall be $50.00. * * *

(122) Firearms, License to Sell, Rent or Lease. The fee for a license to sell, rent or lease firearms, rifles, shotguns or machine

guns granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be $150.00.

(154) Gunsmith's License. The fee for a license to be in business as a gunsmith granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns, $15.00, and in the case of any other person, $50.00.

Fall River

Sec. 20-3. Ammunition and guns—Sale to minors. No person shall sell to any minor under the age of sixteen years, without the written consent of his parent or guardian any cartridge or fixed ammunition containing any fulminate, or any gun, pistol or other contrivance intended for the explosion of such cartridge, ammunition or fulminate.

Lynn

Relative to the Sale of Revolvers or Pistols by Dealers. Section 1. No dealer in the City of Lynn shall sell, loan, exchange or give to any person any revolver or pistol unless and until a certified copy of a written permit allowing such person to carry a revolver or pistol shall be furnished such dealer by the Chief of Police before such sale or other transfer.

Michigan

State Law

Mich. Stat. Ann.

Sec. 4.127(1) Residents purchasing firearms in contiguous states. SECTION 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

Sec. 28.91 Terms defined. SECTION 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

Sec. 28.92 Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols. SEC. 2. (1) No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for the pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 18 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order.

(2) Applications for such licenses shall be signed by the applicant under oath upon forms provided by the director of the department of state police, hereinafter referred to as the director. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the director and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the director. Such license shall be void unless used within 10 days after the date of its issue. This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols which are inherited if the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

(The pistol safety inspection requirement set forth in 28.97, which is not included herein, does not apply to wholesale or retail dealers in firearms . . .)

Sec. 28.98. Inapplicability of certain sections. SEC. 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

* * * * *

Sec. 28.408(1). Explosive or incendiary devices; unlawful construction or possession; evidence. Sec. 211a. Any person who shall make, construct or have in his possession any device which is designed to explode or which will explode upon impact or with the application of heat or a flame, or which device is highly incendiary, with intent to use the device unlawfully against the person or property of another is guilty of a felony. For the purposes of prosecution under this section, possession of such a device is prima facie evidence of the possessor's intent to use the device unlawfully against the person or property of another.

* * * * *

Sec. 28.419. Definitions. SEC. 222. As used in this chapter:

(a) "Pistol" means a firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means a person who receives a pistol from another by purchase, gift, or loan.

(c) "Seller" means a person who sells, furnishes, loans, or gives a pistol to another.

(d) "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single function of the trigger.

(e) "Short-barreled shotgun" means a shotgun having 1 or more barrels less than 18 inches in length or a weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

(f) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(g) "Short-barreled rifle" means a rifle having 1 or more barrels less than 16 inches in length or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

(h) "Barrel length" of a firearm shall be measured internally, from the face of the closed breach of an unloaded firearm, to the forward face of the end of the barrel.

Sec. 28.420 Selling pistols and firearms. SEC. 223. (1) Any person who sells a pistol without complying with section 2 of Act No. 372 of the Public Acts of 1927, as amended, being section 28.422 of the Compiled Laws of 1948, shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age shall be guilty of a misdemeanor.

Sec. 28.421 Selling, etc., machine guns, silencers, * * * etc.; exceptions. Sec. 224. (1) A person who shall manufacture, sell, offer for sale, or possess a machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, a muffler, silencer, or device for deadening or muffling the sound of a discharged firearm, a bomb or bomb shell, * * * or a gas ejecting device, weapon, cartridge, container, or contrivance designed or equipped for or capable of ejecting gas which will either temporarily or permanently disable, incapacitate, injure or harm a person with whom it comes in contact, shall be guilty of a felony, and shall be imprisoned for not more than 5 years, or be fined not more than $2,500.00, or both.

(2) This section shall not apply to a person manufacturing firearms, explosives, or munitions of war by virtue of a contract with a department of the government of the United States, or to a person duly licensed by the secretary of the treasury of the United States or his delegate to manufacture, sell, or possess a machine gun or gas ejecting device, weapon, cartridge, container, or contrivance mentioned in subsection (1).

Sec. 224b. (1) A person shall not manufacture, sell, offer for sale, or possess a short-barreled shotgun or a short-barreled rifle.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not more than $2,500.00, or both.

(3) The provisions of this section shall not apply to the sale, offering for sale or possession of a short-barreled rifle or a short-barreled shotgun which the secretary of the treasury of the United States of America, or his delegate, pursuant to U.S.C. title 26, section 5801 through 5872 or U.S.C. title 18, sections 921 through 928, has found to be a curio, relic, antique, museum piece or collector's item not likely to be used as a weapon, but only if the person selling, offering for sale or possessing the firearm has also fully complied with the provisions of sections 2 and 9 of Act No. 372 of the Public Acts of 1927, as amended, being sections 28.422 and 28.429 of the Michigan Compiled Laws.

Sec. 28.422. Possession, etc., of printed matter offering to sell or deliver pistols, etc., from without the state. Sec. 225. Any person who shall sell or deliver within this state, or offer or expose for sale, or have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in the next preceding section of this chapter, shall be guilty of a misdemeanor. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols wholesale or retail, nor to sales or offers to sell such pistols made or authorized by the United States government or any department or agency thereof.

Sec. 28.426. Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale. SEC. 229. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in Act No 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

Sec. 28.427. Alteration of pistols, penalty; possession presumptive evidence of alteration, exception. Sec. 230.* * * Possession of a firearm upon which the (manufacturer's) number shall have been altered, removed, or obliterated, other than an antique firearm as defined by section 231a(2)(a) or (b) shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

Sec. 28.429(1). Purchaser of pistol without license, false statement in application. SEC. 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Sec. 28.434 Possession or use of fire-arm by person under influence of liquor or drug. SEC. 237. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

Albion

52.2-31. * * * No person in the City shall sell a revolver, pistol or other handgun without reporting that sale to the Albion Police Department and furnishing such information as the Police Department may require.

Allen Park

Sec. 8-137 Firearms; possession, transportation; restrictions. * * * * * (d) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

* * * * *

Belding

12.11 Dangerous weapons. No person shall possess any machine gun, sawed-off shotgun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Bloomfield Hills

6.01 It shall be unlawful for any person under 18 years of age to purchase, carry or

transport a firearm on any public street or in any public place.

7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Buchanan

11.4. Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, or any instrument, * * * attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Center Line

8-108. Dangerous weapons; possession prohibited, exceptions. (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun or any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Dearborn Heights

9.215. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Detroit

66-1-1. "Firearm" defined. The word "firearm," as used in this article, shall be construed to include any shot gun, rifle or other device of a similar character, except pistols.

66-1-2. Permit required to purchase pistols. No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

66-4-1. "Firearm" defined. For the purposes of this article, the word "firearm," except as otherwise specifically defined in this Code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

66-4-4. Minors carrying firearms; sales to minors. It shall be unlawful for any person under eighteen years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen years of age.

Ecorse

Unregistered Fire-Arms—Sale or Purchase of Fire Arms. 3-4.2 Any person who shall own or possess any pistol, weapon or device without the same being registered as required by Section 9 of Act 272 of the Public Acts of the State of Michigan for the year 1927, as amended; and also any person who shall purchase or sell a pistol, weapon or device without license as required by Act 272 of the Public Acts of the State of Michigan for 1927, as amended, shall be guilty of a misdemeanor and shall be punished as provided in Article I, Chapter I of this Code.

Escanaba

130.11 Firearms * * * * * (D) Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Fenton

7-116. Possessing dangerous weapons. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Flushing

7.209 Firearms and Weapons. .1 Definitions * * * * *

.1b "Firearm Silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

.1c "Gas Gun" means any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for ejecting any gas that will cause death, serious physical injury or physical injury, or will temporarily incapacitate.

* * * * *

.1e "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

* * * * *

.3 Possession of Illegal Weapon. A person commits the crime of possession of illegal weapon if he knowingly possesses a * * * bomb, firearm silencer, gas gun, * * * machine gun, * * * unless licensed to do so.

.4 Prohibited Use of Weapons. A person commits the crime of prohibited use of weapons if: * * *

.4e He possesses or discharges a firearm while under the influence of intoxicating liquor or of a narcotic drug, dangerous drug or LSD; * * *

Gibraltar

Sec. 15-186. Minors and firearms. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Gladstone

131.06 Possession of weapons. No child under the age of 18 years shall be allowed to have in his possession or control, or use, any * * * shotguns, rifles or other dangerous weapons within the City.

131.07 Sale to minors of weapons. No person shall sell, furnish, or give to or permit any child under the age of 18 years to have in his possession or use any * * * shotguns, rifles or other dangerous weapons within the City.

Gladwin

Ordinance 163

Section 9. Sales to Minors. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm * * * to any person in the City of Gladwin who is under the age of eighteen years.

Grand Haven

8-209. Dangerous weapons, possession prohibited. No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or

intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Grand Rapids

9.180. Firearms Dealer's License. It shall be unlawful to establish, maintain, operate or conduct a business or attempt to conduct a business of selling, trading or offering to sell or trade, any firearms or ammunition for firearms unless there shall have been issued a license to do so in compliance with Chapter 91 of this Code. * * *

Grosse Pointe Farms

24. Firearms, sale to minors. It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. * * *

Grosse Pointe Shores

Ordinance 138

Paragraph 10—Sale to minors: It shall be unlawful for any person under the legal age of majority to purchase any firearm. * * *

Grosse Pointe Woods

8-3-29: Firearms, sale to minors: It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. * * *

Hamtramck

Section 47; Possession or control of firearms while intoxicated: It shall be unlawful for any person within the City of Hamtramck while under the influence of an intoxicating liquor, or any exhilarating or stupefying drug, to carry, have in possession or control, or use in any manner, or discharge any firearm.

Hartford

42.03. Weapons. * * * No person shall sell or transfer any such weapon (any concealed pistol) to any minor person.

Hazel Park

15. Dangerous weapons; possession prohibited. (a) No person shall possess any machine gun, sawed off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

378-3. It shall be unlawful for any person to purchase a revolver or pistol without having first obtained a permit to do so in accordance with the laws of the State of Michigan.

378-4. It shall be unlawful for any person to sell, give, furnish or deliver to any person or persons, any pistol, revolver or other small firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Inkster

1. Any person found guilty of the following offenses in the Village of Inkster shall be deemed disorderly persons (*sic*) * * * (19) Any person who sells, gives, loans or furnishes another with a pistol or firearms less than 30 inches in length. * * *

Keego Harbor

4-4. Offenses Against Public Safety. No person in the city shall:

(1) Weapons—(e) "Sales to Intoxicated Persons and Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Lake Orion

9. Sales to minors. It shall be unlawful for any person, firm or corporation to sell, offer to sale, give away or distribute any firearm, * * * to any person in the Village of Lake Orion who is under the age of twenty-one years.

Lapeer

19.09. Firearms. (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.

Lincoln Park

* * * * *

D. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Linden

Ordinance 86

Section I. Possessing Dangerous Weapons: (A) No person shall, within the Village, possess any machine gun, sawed-off shotgun, * * * nor any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Livonia

Section 8-404. Prohibition to Carry Firearms or Dangerous Weapons. * * * It shall also be unlawful for any person to carry a machine gun or to have a silencer, bombs, * * * in his possession in the manner indicated in this ordinance.

* * * * *

Section 8-409. Possession or Control of Firearm While Intoxicated. It shall be unlawful for any person within the City of Livonia, while under the influence of an intoxicating liquor, or any exhilarating or stupefying drug, to carry, have in possession or control, use in any manner or discharge any firearm or longarm.

Lowell

Sec. 18-3. * * * (b) Sales to minors. No dealer shall sell or give away firearms to any minor.

Madison Heights

396(7). the word "firearm", except as otherwise specifically defined in this ordinance, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

8-111 Dangerous weapons; possession prohibited, exceptions. (a) No person shall possess any machine gun, sawed off shotgun * * * nor any instrument, attachment or appli-

ance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Marshall

20.02 Firearms. * * * * * (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word firearm includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Mason

Ordinance 52

* * * * *

Section 4. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any slingshot, airgun or other weapon to any minor within the City of Mason who is under the age of sixteen years.

Milford Township

Section 32. Unlawful possession of firearms. It shall be unlawful for any person under the influence of intoxicating liquor or any exhilarating or stupefying drug to carry, have in possession or under control, or use in any manner or discharge any firearm within this state.

Montrose

Section 10.2. Furnishing Firearms to Minors. It shall be unlawful for any minor under the age of eighteen (18) years to possess any firearm, on the streets of the Village of Montrose unless such minor shall be accompanied by an adult over the age of twenty-one (21) years.

Mount Clemens

8-210. Dangerous weapons; possession prohibited, exceptions. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Mount Pleasant

Sec. 8-108 Dangerous weapons; possession prohibited, exceptions. —(a) No person shall within the city possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Novi

A. Definition. (1) The word "firearm" as used in this section, shall be construed to include any weapon from which a projectile, dangerous to person or property, may be propelled by using explosives, gas or air as a means of propulsion.

B. Weapons. [It shall be unlawful to] * * * (4) Purchase, carry or transport a firearm, if a person doing so is under eighteen (18) years of age or sell a firearm to any person under eighteen (18) years of age.

* * * * *

Oak Park

30.108. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years.

Orchard Lake

Section 3. Offenses Against Public Safety. No person in the City shall: * * *

(e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a person under the age of eighteen (18) years.

(f) Records Required. Engage in the sale, rental, or exchange of any weapons referred to in sub-sections (a) and (d) above without keeping a record of each such weapon purchased, sold, rented, or exchanged.

(1) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, [contact local authorities for required contents] * * *

* * * * *

Pontiac

Sec. 16-110. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or to

(4) Any person the seller, lendor, or donor has reasonable cause to believe is not of sound mind.

Sec. 16-111. Order required to sell or deliver revolver. No person shall sell, deliver or furnish to any other person any revolver or pistol or handgun, unless such person shall first procure and exhibit an order therefor from the Chief of Police.

Port Huron

9.117. Weapons prohibited. It shall be unlawful for the parent or guardian of any minor child under the age of 18 years to wilfully permit such minor child under the age of 18 years to use or have in his or her possession any pistol, rifle, shotgun, * * * except and unless such minor child under the age of 18 years shall be, at the time of his or her use or possession of any gun or weapon herein described, under the direct supervision or control of his or her parent or guardian or some other adult person.

Redford

Sec. 2-156. Dangerous Weapons; Possession Prohibited, Exceptions. (a) No person shall possess any machine gun, sawed off shotgun, * * * or any instrument, attachment or applicant for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Riverview

Sec. 15-94. Dangerous weapon. (a) No person shall within the city possess any ma-

chine gun, sawed off shotgun, revolver, pistol, gun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law; * * *

Rockwood

9.322. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Royal Oak Township

Ordinance 168

Sec. 4 Minors carrying firearms; sales to minors. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Saginaw

807. Failure to complete and return license to purchase pistol. 807.1 It shall be unlawful for the purchaser of any pistol to be or remain in possession thereof if the completed license to purchase the same shall not have been returned to the licensing authority within ten (10) days of the purchase of the pistol, as required by law.

St. Clair Shores

20-17. Dangerous weapons; possession prohibited, exceptions. No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Southfield

9.129 Dangerous weapons: possession prohibited, exceptions (1) No person shall within the City possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Sterling Heights

7. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Three Rivers

79-1. The City of Three Rivers ordains, That it shall not be lawful for any person directly or indirectly, himself or by his clerk, agent or employe, to sell, keep for sale, give away, furnish or use, within the limits of the City of Three Rivers, any * * * blank cartridge, toy pistol * * * or any cap or other device containing any explosive; Provided, however. That this provision shall not apply to the sale of gun powder or gun or revolver ammunition in the regular course of trade nor to the sale of dynamite that is to be used for a necessary purpose.

Trenton

9.171. Dangerous weapon. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Troy

9.79. Regulation, control of the possession and transportation of firearms within the city. (3) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Warren

Sec. 8-210 Dangerous weapons. (1) No person shall possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

* * * * *

Waterford

* * * * *

Section V. Possessing or use of weapons while under influence. No person while under the influence of intoxicating liquor or exhilerating or stupefying drugs shall carry, have in his possession or under his control, or in any manner use or discharge any weapon.

* * * * *

Section IX. Sales to minors It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, * * * or other like weapon to any person in the Township of Waterford who is under the age of twenty-one years.

Woodhaven

Article III

Sec. 11 1/2-14. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Minnesota

State Law

Minn. Stat. Ann.

609.66 Dangerous weapons: Subdivision 1. Acts prohibited. Whoever does any of the following is guilty of a misdemeanor: * * * * * (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or (7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) In any municipality of this state, furnishes a minor under 18 years of age with a firearm airgun, ammunition, or ex-

plosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.

Subdivision 2. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

609.67 Machine guns and short-barreled shotguns: Subdivision 1. Definition. (a) "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

(b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches.

Subd. 2. Acts prohibited. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun or a short-barreled shotgun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both.

Subd. 3. Uses permitted. The following persons may own or possess a machine gun or a short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or his delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons.

Subd. 4. Report required. A person owning or possessing a machine gun or short-barreled shotgun as authorized by subdivision 3 shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing his name and address; his official title and position, if any; a description of the machine gun or short-barreled shotgun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and such further information as the bureau may reasonably require.

Subd. 5. Exceptions. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

624.71 Gun control, application of federal law. * * * Subd. 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

624.712 Definitions. Subdivision 1. As used in sections 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition, or uses conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breechblock:

(a) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. "Crime of violence" includes murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, aiding suicide, aiding attempted suicide, aggravated assault, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, aggravated rape, rape, aggravated sodomy, felonious theft, aggravated arson, riot, burglary, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in Minnesota Statutes, Chapter 609.

Subd. 6. "Transfer" means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or the frame or receiver of a pistol.

624.713 Certain persons not to have pistols. Subdivision 1. The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of his parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources;

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally deficient" or "dangerous to the public" person as those terms are defined in Minnesota Statutes, Section 253A.02, to a hospital, mental institution or sanitarium, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use,

possession or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in Minnesota Statutes, Sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years; or

(e) A person who has been confined or committed to a hospital, mental institution or sanitarium in Minnesota or elsewhere as an "inebriate person" as that term is defined in Minnesota Statutes, Section 253A.02, or for alcoholic problems, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused alcohol during the previous two years. A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance.

Subd. 2. A person named in subdivision 1, clause (b) of this section who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 of this section who possesses a pistol is guilty of a gross misdemeanor.

624.7131 Transferee permit

Subdivision 1. Information. Any person may apply for a pistol transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which he resides or to the county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol.

The statement shall be signed by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Subd. 2. Investigation. The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system.

Subd. 3. Forms. Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

Subd. 4. Grounds for disqualification. A determination by the chief of police or sheriff that the applicant is prohibited by section 624.713 from possessing a pistol shall be the only basis for refusal to grant a transferee permit.

Subd. 5. Granting of permits. The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit. The chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge.

Subd. 6. Permits valid statewide; renewal. Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained. Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. Permit voided. The transferee permit shall be void at the time that the holder becomes prohibited from possessing a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. Failure of the holder to return the permit within the five days is a misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

Subd. 8. Hearing upon denial. Any person aggrieved by denial of a transferee permit may appeal the denial to the county court or county municipal court having jurisdiction over the county or municipality in which the denial occurred.

Subd. 9. Permit to carry. A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.

Subd. 10. Transfer report not required. A person who transfers a pistol to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Subd. 11. Penalty. A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a gross misdemeanor.

Subd. 12. Local regulation. This section shall be construed to supersede municipal or county regulation of the issuance of transferee permits.

624.7132 Report of transfer

Subdivision 1. Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol; and

(d) The address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Subd. 2. Investigation. Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system.

Subd. 3. Notification. The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail his right of appeal under subdivision 13.

Subd. 4. Delivery. No person shall deliver a pistol to a proposed transferee until seven days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, the pistol may be delivered to the transferee.

Subd. 5. Grounds for disqualification. A determination by the chief of police or sheriff

that the proposed transferee is prohibited by section 624.713 from possessing a pistol shall be the sole basis for a notification of disqualification under this section.

Subd. 6. Transferee permit. If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 7. Immediate transfers. The chief of police or sheriff may waive all or a portion of the seven day waiting period for a transfer.

Subd. 8. Report not required. (1) If the proposed transferee presents a valid transferee permit issued under Laws 1977, c. 349, section 3, or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.

Subd. 9. Number of pistols. Any number of pistols may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols a person may acquire.

Subd. 10. Restriction on records. If, after a determination that he is not a person prohibited by section 624.713 from possessing a pistol, a transferee requests that no record be maintained of the fact that he is the transferee of a pistol, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. Forms; cost. Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a pistol transfer.

Subd. 12. Exclusions. This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(a) A transfer by a person other than a federally licensed firearms dealer;

(b) A loan to a prospective transferee if the loan is intended for a period of no more than one day;

(c) The delivery of a pistol to a person for the purpose of repair, reconditioning or remodeling;

(d) A loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

(e) A loan between persons at a firearms collectors exhibition;

(f) A loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol by reason of his employment and is the holder of a valid permit to carry a pistol.

Subd. 13. Appeal. A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol by section 624.713.

Subd. 14. Transfer to unknown party. (a) No person shall transfer a pistol to another who is not personally known to the transferor unless the proposed transferee presents evidence of his identity to the transferor. A person who transfers a pistol in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol unless he presents evidence of his identity to the transferor. A person who becomes a transferee of a pistol in violation of this clause is guilty of a misdemeanor.

Subd. 15. Penalties. A person who does any of the following is guilty of a gross misdemeanor:

(a) Transfers a pistol in violation of subdivisions 1 to 13 of this section;

(b) Transfers a pistol to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(c) Knowingly becomes a transferee in violation of subdivisions 1 to 13 of this section; or

(d) Makes a false statement in order to become a transferee of a pistol knowing or having reason to know the statement is false.

Subd. 16. Local regulation. This section shall be construed to supersede municipal or county regulation of the transfer of pistols except more restrictive regulation in cities of the first class.

624.714. Carrying of weapons without permit; * * * * * (Concerns permits to carry: for information concerning applying for permits to carry, required contents of such applications, place of application, conditions under which applications will be granted, etc., contact your local law enforcement agency.)

624.715 Exemptions; antiques and ornaments. Sections 624.713 and 624.714 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical significance or value.

624.716 Saturday night specials prohibited. Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

624.717 Local regulation. Sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols except more restrictive regulation in cities of the first class.

624.718. Notwithstanding any other law to the contrary, cities of the first class may enforce local laws, ordinances or regulations governing the transfer of pistols that are more restrictive than state laws governing the transfer of pistols.

Alexandria

9.20. Dangerous weapons and articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Appleton

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish

any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer of this village.

6.07. Minors not to use firearms. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by his parent or guardian any firearm, * * * of any kind for hunting or target practice, or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Apple Valley

128-IV. Hand gun purchases: The purchaser of a hand gun from a Federally licensed dealer in the Village of Apple Valley must wait for three (3) days before delivery of said hand gun. The Federally licensed dealer will inform the Village of Apple Valley Police Office of the purchaser's name and address so as to enable the determination of any of the below listed prohibiting conditions. The Police Department of the Village of Apple Valley will notify the above dealer of the results within the three (3) day limit for delivery of said gun or refund of any moneys deposited should the sale be prohibited. Prohibiting conditions:

A. Under the age of eighteen (18) years.

B. Has been convicted of a felony or any crime of violence under the laws of this state or any other jurisdiction.

C. Has been convicted of any offense involving the applicant's use of intoxicating beverages, hallucinatory chemicals, narcotics or any other drugs.

D. Has been hospitalized for attempted suicide or mental or emotional conditions involving the use of alcohol, hallucinatory chemicals or drugs.

Arden Hills

Section 1. Definitions. Deadly Weapons. The term "deadly weapons" as used herein shall include the following: (1) all firearms; * * * * *

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Section 5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon. * * * * *

Blaine

89.01—Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

101.01—The term "deadly weapons" as used herein shall include the following: (1) All Firearms; * * * * *

101.02—(1) Whoever does any of the following is guilty of a misdemeanor: * * * * * (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * * * *

101.03—The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Bloomfield

Ordinance 188

Section 6.01. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

Section 7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Bloomington

203.01. Restriction. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police office or magistrate shall be guilty of a misdemeanor.

Brooklyn Center

19-402. Dangerous weapons. 1. "Dangerous weapon" means any firearm * * * whether loaded or unloaded * * *.

2. Section 609.66 of the Minnesota Criminal Code (West 1963) Laws of 1963, Chapter 753 is hereby adopted by reference and shall have the same force and effect as though set out at length herein.

Brooklyn Park

Section 950:00. Definition. Definition—Deadly Weapons. The term "deadly weapons" as used herein shall include the following: 1) All firearms; * * * * *

Section 950:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Section 950:20. Under 14 Years. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Buhl

510:02. Deadly Weapons. It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture, or cause to be manufactured, sell, keep for sale, offer or dispose of any * * * pistol, revolver, * * * or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.

Chisholm

Section 10.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to: * * * F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or, * * * H. Furnish a minor under eighteen (18) years of age with a firearm, * * *, ammunition, or explosive without the written consent of his parent or guardian or the Police Department; or, * * *

* * * * *

Cold Spring

Section 925:00. Definition of Deadly Weapons. The term "deadly weapons" as used herein shall include the following: 1) All firearms; * * *

Section 925:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Coon Rapids

7-201 Definition. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The term "dangerous weapon" shall include but not be limited to the following: (1) All firearms; * * * * *

7-202 Prohibited Actions. (1) Whoever does any of the following is guilty of a misde-

meanor: * * * * * (f) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * * * *

(2) Nothing in this Section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

7-203 Selling Gun to Minor Without Parental Consent. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor without written consent of his parents or guardian, or of a Police Officer or Magistrate is hereby prohibited.

7-204 Minors Under 14. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any dangerous weapon.

Cottage Grove

Sec. 27-13. Furnishing to minors. No person, within the limits of the village, shall: (a) Without the parent's or guardian's consent, furnish a child under fourteen years of age, or as a parent or guardian, permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive.

(b) Furnish a minor under eighteen years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent, guardian, the police department or magistrate of this village.

Sec. 27-14. Silencers. No person, within the limits of the village, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Crystal

935.01. Definitions. Subdivision 1. For purposes of this Section, the terms defined herein have the meanings given them.

Subd. 2. "Military type weapon" means any firearms such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons. * * *

935.03. Military Type Weapons. It is unlawful for any person to own, keep, carry or have possession of military type weapons in the City. This Section does not apply to law enforcement personnel or military personnel while on active duty, or to military or fraternal organizations in their participation in public functions or celebrations.

Deephaven

8. Minors not to use fire arms. No minor under the age of 18 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent, guardian or competent supervision, any fire arms, * * * ammunition or other weapons of any kind for hunting or target practice or any other purpose.

27. Sale of firearms to minor. No person, firm or corporation shall sell, offer for sale, or give away, or in anywise furnish any firearms or ammunition to a minor under the age of 18 years, without the written consent of such minor's parents or guardian or of a peace officer or magistrate.

Dilworth

Sec. 60.07. Subd. 1. Acts Prohibited. Whoever does any of the following is guilty of a misdemeanor * * *:

(4) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(5) Without the parents' or guardians' consent, and the written consent of the Dilworth Police Department, furnishes a child under 15 years of age with a firearm or other dangerous weapon or explosive, or any ammunition or explosive.

Duluth

* * * * *

Sec. 49-6. Possession, use, etc., of firearm silencers prohibited. No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

* * * * *

Sec. 49-8. Possession of firearms by minors. No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose.

* * * * *

Sec. 49-15. License—Required. No person shall engage in the business of selling or renting guns, pistols or other firearms without first having obtained a license to do so.

* * * * *

Sec. 49-20. Sales and rentals to minors. No person shall sell, rent, give, loan or in anywise furnish any firearm, * * * or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.

* * * * *

Eagan

9.02 Subdivision 3.—Persons prohibited. It shall be unlawful for any person within the Town of Eagan to own, possess, carry or have in his custody or control any firearms or ammunition unless such person:

A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.

B. Shall not within the previous five years have been: 1. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons. 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

C. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical, or narcotics, or other drugs.

East Grand Forks

Sec. 9.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Elko

Ordinance 24

Section I. Definitions. * * * * *

Handgun shall mean a gun designed to be fired primarily with one hand and capable of inflicting serious personal injury, without limitation as to type of propellant or type of projectiles, and regardless of whether the handgun or pistol was factory made, made individually by a skilled craftsman or craftsmen, or homemade.

* * * * *

Section II. Prohibitions: The following acts are prohibited * * * (c) Possessing a handgun if the person possessing it is a person who has been formally adjudicated as mentally ill, mentally incompetent, or insane, or who has been convicted of a felony within a period of ten years prior to the time he is found in possession of a handgun; * * *

Ely

410:02. Deadly weapons. [No person] without the written consent of a magistrate,

shall sell or give any pistol or firearm to a person under the age of eighteen years.

Fairmont

6.20. Dangerous weapons and articles. 1. Acts prohibited. It is unlawful for any person to: * * * F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; * * *

(G) Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Farmington

6-1-15. Dangerous weapons: It shall be unlawful for any person to do any of the following: * * * (G) Sell or have in his possession any device designed to silence or muffle the discharge of a firearm;

(H) Without the parent's or guardian's consent, furnish a child under fourteen (14) years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; (I) Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition or explosive without the written consent of his parent or guardian or of the Police Department of the Village.

Farmington Hills

80.265. Unlawful Possession of Firearms. It shall be unlawful for any person under the influence of intoxicating liquor or any exhilarating or stupefying substance to carry, have in possession or under control, or use in any manner or discharge any firearm within this City.

Glencoe

Ordinance 93, Article B.

Weapons—sale to minors. No person shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of sixteen (16) years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Glenville

Sec. 606. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Without the parent's or guardian's consent, furnish a child under 14 years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department or magistrate of the Village.

Golden Valley

Section 525:00. Definitions. 1. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

(2) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet through a barrel by means of explosives, carbon dioxide, air or other vapor, excluding (1) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition, (2) any antique firearm or (3) Saturday Night Special Pistol.

Section 525:03. Display of Firearms. It shall be unlawful for any person within the City to display or exhibit any firearm for sale in any show window abutting a public street or sidewalk or public entryway which can be seen from the public street.

Granite Falls

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to any minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of this city.

Green Isle

Ordinance 67

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Greenwood

Ordinance 16

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Hampton

1004.02. Prohibitions. The following are prohibited within the city:

* * * * *

C. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon (includes all firearms) to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Hastings

Sec. 9.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department. * * * * *

Hayfield

Ordinance 7-1-Section 1: Use by Minors. No person under the age of 18 shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parents or guardian, any firearm or air gun of any kind for hunting or target practice or any other purpose.

Hendricks

11.202. Sale of Firearms to Minor. No person shall offer for sale, sell, give away, or in anyway furnish any firearms or ammunition to any person under the age of 18 years, without the written consent of such persons parents or guardian or of a peace officer or magistrate.

Hermantown

Ordinance 76-02

* * * * *

Section 3. No person shall use, own or possess any firearm equipped so that a silencer may be attached to such firearm.

* * * * *

Section 5. No minor age fourteen (14) years or under shall handle, or have in his or her possession or under his or her control except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Any minor having attained the age of 15 shall be the holder of a valid firearm safety permit.

* * * * *

Hibbing

Section 10.20 same as Chisholm

Hopkins

Section 910:25. Minors Not to Use Firearms. No minor under the age of fourteen years shall * * * have in his possession * * * any firearm of any kind for hunting or target practice or any other purpose. * * * * *

Section 920:12. Sale of Firearms to Minors. Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a penal offense.

Hoyt Lakes

2. Use of fire arms by minors. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any fire arm * * * of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

International Falls

12.08-1. No person within the limits of the City of International Falls shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument, or weapon of the kind usually known as a * * * pistol * * * or other offensive and dangerous weapons or instruments, or without the written consent of the Mayor, shall sell or give any revolver or fire arm of any description to a person under the age of eighteen years.

Inver Grove

927.13 Handgun Identification Marks. No person shall * * * keep in his possession or under his control, any such handgun upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge, changed, altered, renewed or obliterated.

Jackson

Sec. 8.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Kettle River

Section 4. Every person, who shall sell, give, loan or in any way furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate, shall be guilty of a misdemeanor.

La Crescent

B. Specific Terms. The following terms shall have the following meanings:

1. "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and plural includes the singular. The masculine gender includes the feminine gender.

2. "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

3. "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

4. "Hand gun" shall mean any firearm designed to be fired from the hand.

5. "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (3) and (4) above. Destructive devices which are not firearms and ammunitions for any military type weapon which is inert and not readily restorable, both mechanically, and by intent, shall be exempted from the provisions of this ordinance.

* * * * *

7. "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

* * * * *

9. "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

Section 2. Persons Prohibited: A. It shall be unlawful for any person within the corporate limits of the Village of La Crescent, to own, possess, carry, or have in his custody or control any firearm, or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

a. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

b. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

B. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of any alcoholic beverage, or hallucinatory chemical, or narcotics, or other drugs.

Section 3. Places Prohibited. A. It shall be unlawful for any person, except law enforcement or military personnel while in the course of their duties, or owner or agent while he is present at a business place operated by him, or private persons with permits who are required by their occupation to be present, to have in his possession or control any firearm or ammunition while such person is present at any public place or public gathering within the Village of La Crescent.

Section 4. Weapons Prohibited: A. It shall be unlawful for any person within the Village of La Crescent to own, keep, carry or have in his custody or control any of the following:

1. Military type * * * weapons unless the person in possession of such weapon has in his possession the permit provided in Section 6.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to

believe has been stolen or transferred in violation of this ordinance.

Section 5. Sales, Gift or Delivery of Weapons and Ammunition. A. It shall be unlawful for any person within the Village of La Crescent to sell, give or deliver to any person:

1. Any weapon prohibited under Section 4 unless the weapon to be received is a military type weapon * * * and the person to receive the weapon has secured the permit provided in Section 6.

2. Any firearm or ammunition for such firearm if such person is:

a. Under the age of 18 years if the firearm is a long gun or under 21 years of age if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 3 (D) or unless the recipient shall qualify under Section 2 (A-1).

b. Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

c. Prohibited from ownership, possession, custody or control of firearms under section 2, and seller or giver knew or had reasonable cause to believe such person was prohibited.

Section 6. Permit for Military Type and Assault Weapons: A. The owner or purchaser of a military type or assault weapon may be issued a permit by the Chief of Police for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance * * *.

* * * * *

B. A "Military type weapon used in officially recognized competition" shall include its ammunition and shall be weapons used in competition regulated and supervised by a target shooting club, pistol club or sportsman's club, which is duly authorized to purchase or receive firearms from the United States. Any such weapon shall be kept in a secure location.

Lake Elmo

1301.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, * * *.

Lakeville

Section 1. Weapons Prohibited. No person shall * * * sell, offer for sale or have in his possession, except in his own domicile, or carry or use any dangerous or deadly weapon, including, but not by way of limitation, revolvers, pistols * * * * *

Section 2. Exception. The prohibition of this chapter shall not be construed to forbid any law enforcement officer from carrying any of said weapons as may be necessary in the proper discharge of his duties, nor shall this chapter prohibit the sale, possession or carrying of a revolver or pistol for legitimate sporting purposes providing such revolver or pistol is not concealed.

Lauderdale

2. Specific terms. The following terms shall have the following meanings. (a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(f) "Secured container" shall mean a locked case legibly marked "firearms" having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle, or ties.

2. Persons prohibited from possessing firearms. (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the Village of Lauderdale except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the Village of Lauderdale who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

4. Weapons prohibited. No person shall own, keep, carry, or have in his possession anywhere in the Village of Lauderdale any military type weapons, * * *, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

6. License required to sell firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Lauderdale without first obtaining a license to do so from the Village Council. The fee for such license shall be $10.00, payable annually * * *.

7. Permits and registrations.

* * * * *

(2) Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type of assault weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. [Contact local authorities for required contents] * * *. The Chief shall issue such permit, without fee, if he concludes the applicant is of good moral character and intends to use the weapon for a lawful purpose.

Lester Prairie

Section 3. Weapons—Sale to Minors. No person shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Little Falls

Section 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or

explosive without the written consent of his parent or guardian or of the Police Department.

Luverne

6.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Mahtomedi

4. No minor under the age of 18 years shall within the Village of Mahtomedi, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any fire-arm of any kind whatever, or ammunition of any kind for use therein, * * *

Mankato

Sec. 9.30. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen (18) years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parents or guardian or of the Police Department. * * *

Maple Grove

Section 960:15. Selling to Minor. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate, is hereby prohibited.

Maplewood

1210.010 Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.040 Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement [contact local authorities for required contents] * * *. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement * * *. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Mendota Heights

Ordinance 909

Section 5. Possession of Weapons by Minors. No minor under the age of eighteen years shall, within the corporate limits of the Village of Mendota Heights, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, * * *

Section 6. Sale to Minors. No person, firm, or corporation shall, within the corporate limits of the Village of Mendota Heights, give, sell, or otherwise furnish any firearms * * * or any ammunition of any kind for use therein, to any minor under age of eighteen years, without the written consent of the parent or guardian of the said minor. * * *

Section 9. Definitions

9.1 General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

9.2 Specific Terms. The following terms shall have the following meanings:

9.2(1) Firearm—Shall mean any weapon from which is propelled any missle, projectile, bullet, or other means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their profession.

9.2(2) Handgun—Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

9.2(3) Military Type Weapon—Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

9.2(5) Ammunition—Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

9.2(6) Secured Container—Shall mean a locked case legibly marked "firearm" having no mechanical features designed for immediate weapons removal or use and containing no other non-related objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle or ties.

Section 12. Sale, Gift, or Delivery of Firearms

12.1. No person shall purchase, receive or accept a handgun within the Village of Mendota Heights without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. * * *

12.2. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferer a statement [contact local authorities for required contents] * * *. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement, and if it appears that the person to whom such weapon is sold or to be transferred has been permitted to purchase, accept or receive such handgun, the Chief of Police shall endorse upon such statement his approval of the purchase or transfer.

12.4. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of

Police as provided in Paragraph 12.2 hereinabove.

12.5. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

12.6. Nothing contained in this section shall apply to sales at wholesale to dealers.

Section 13. License Required to Sell Firearms. 13.1 No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Mendota Heights without first obtaining a license to do so from the Village Council. * * *

Section 14. Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner:

14.1. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type * * * weapon as a collector's item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. * * *

Minneapolis

877.010. Definitions.

2. Specific terms. The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

* * * * *

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(j) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. Persons prohibited. It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.040. Weapons prohibited. It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type * * * weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. Sales, gift or delivery of weapons and ammunition. It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon * * * and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. Report of sale, gift, or delivery of handguns. Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, * * *.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. Permit for military type and assault weapons. The owner or purchaser of a military type * * * weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Minnetonka

Section 515:00. Prohibited Use of Dangerous Weapons. No person shall in any public or private place engage in any of the following acts or conduct without first securing a permit to do so from the Chief of Police:

* * * * *

(d) Sell or otherwise furnish any firearms * * * any ammunition of any kind for use therein, to any juvenile under the age of 18 years unless they are the parent or guardian of such juvenile.

Minnetrista

1. Definitions. (a) "Firearms" shall mean any device from which is propelled any projectile or bullet by means of explosions or gas.

(b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

2. Possession. No person shall own, keep, carry or have possession of any military type

weapon within the Village of Minnetrista except persons on active duty as a member of a United States military unit.

Montevideo

5-1-32: Firearms; minors; No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian any firearm of any kind for hunting or target practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this Section.

5-1-71: Weapons; sale to minors: No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the City.

Morris

11.205. Sale of Firearms to Minors Prohibited. No person shall furnish a minor, under 18 years of age, with a firearm of any description or ammunition or explosive without the written consent of the minor's parent or guardian.

11.206. Possession of certain weapons prohibited. No person shall have in his possession any of the following except for displays in museums or collections: (1) Any device designed to silence or muffle the discharge of a firearm;

* * * * *

Mound

51.30 Minors—Firearms. No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm * * * (or) ammunition * * * to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the Village * * *.

Mountain Iron

Ordinance 149

51.09 Furnishing to Minors. No person within the City Limits of the City of Mountain Iron shall: a. Furnish a minor under 18 years of age with any firearms, air gun, ammunition or explosives without the written consent of said minor's parent or legal guardian, or the Chief of Police.

* * * * *

51.10 Silencers. No person within the City Limits of the City of Mountain Iron, Minnesota, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

New Brighton

Article 2 Weapons

Sec. 18-18. Possession of firearm. No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the city, who has been convicted of any felony, or who is addicted to the use of drugs, or who is under the influence of drugs or alcohol.

North Mankato

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

* * * * *

H. Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

North St. Paul

101.010. Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

101.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol * * *.

101.040. Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement (contact local authorities for required contents) * * *. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement * * *. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

101.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

101.060. Wholesale to dealers does not apply. Nothing contained herein shall apply to the sales at wholesale to dealers.

Oakdale

Sec. 13-17. Possession of certain items prohibited. No person shall possess any of the following:

(a) Fully automatic firearms.

(b) Shot guns with a barrel less than eighteen (18) inches.

(c) Rifles with a barrel less than sixteen (16) inches.

(d) Weapons made from a rifle or shot gun with an overall length of less than twenty-six (26) inches.

(e) Semi-automatic pistols with shoulder stocks.

(f) Any silencer.

(g) Any unconventional weapon which is capable of being fired and can be concealed on the person.

Sec. 13-22. Silencers. It shall be unlawful for any person to sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Orono

Ordinance 106

Section 1. Chapter 80 of the Municipal Code of Orono is hereby amended as follows: 80.010 Definitions. * * * * * (b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

80.020 Possession. No person shall own, keep, carry or have possession of any military type weapon within the Village of Orono except persons on active duty as a member of a United States military unit.

Pine Springs

Ordinance 9

Section 3. Possession by Minor. It shall be unlawful for a minor under the age of 18 to have in his possession any uncased firearm beyond the presence of a parent or guardian within the Village of Pine Springs. The police officers of the Village may confiscate any

such weapon found on any minor but shall return the weapon to the parent or guardian of said minor upon request.

Section 4. Acts Prohibited. a. It shall be unlawful for any person to do any of the following acts: * * * * *

6. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

7. To furnish a child under 16 years of age, without the consent of the parent or guardian of said child or if parent or guardian of said child permit such child to handle or use outside of the parent's or guardian's presence a rifle, gun, or dangerous weapon of any kind or any ammunition or explosive.

Section 6. Possession. a. No person shall possess the following:

1. Fully automatic firearms.

2. Shot guns with a barrel less than 18 inches.

3. Rifles with a barrel less than 16 inches.

4. Weapons made from a rifle or shot gun with an overall length of less than 26 inches.

5. Semi-automatic pistols with shoulder stocks.

6. Any silencer.

7. Any unconventional weapon which is capable of being fired and can be concealed on the person.

Plymouth

1.14. Dangerous Articles. * * * * * (b) It shall be unlawful to sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate.

Redwood Falls

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

* * * * *

H. Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition; or explosive without the written consent of his parent or guardian or of the Police Department.

Richfield

5.29. Firearms. Subdivision 1. Definitions. The following terms have the meanings ascribed to them in this section:

(1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

Subd. 2. License Required. It is unlawful for any manufacturer or dealer to sell at wholesale or retail, to lease or to pledge or accept as security for a loan, any firearm without first having procured a license.

* * * * *

Subd. 9. Unlawful Disposition of Firearms. It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. Dangerous weapons. No person shall: * * * (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm * * * or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, * * * ammunition or explosive without the written consent of the parent or guardian, or of the police department.

Rockford

Ordinance 11.0

Dangerous Weapons. Subdivision 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100.00. * * * * * (6). Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or * * * * * (8). In the municipality of Rockford, furnishes a minor under 18 years of age with a firearm, * * * ammunition; or explosive without the written consent of his parent or guardian or of the police department or magistrate of said municipality.

Roseville

160.090. Sale to Minors under 18. No person shall give, sell or otherwise furnish any firearms, * * * or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. * * *

161.010. Registration Required. No person shall purchase, sell, trade, own or have in his possession any revolver or hand gun without registering the same with the Chief of Police.

Sauk Rapids

Dangerous Weapons

Section 900:00. Whoever does any of the following within the limits of this municipality is guilty of a misdemeanor:

* * * * *

F. Sells or has in his possession any device designed to silence or muffle the discharge of a firearm;

G. Without the parents or guardians consent, furnishes a child under fourteen (14) years of age, * * * a firearm or air gun of any kind, or any ammunition or explosive;

* * * * *

Stillwater

Adopted Minnesota State Law

St. Louis Park

4:700. Minors not to have firearms * * *. No minor under the age of eighteen years

shall handle, or have in his possession, or under his control, except while accompanied by, or under the immediate charge of, his parent or guardian, any firearm of any kind whether for hunting or target practice or any other purpose * * *. No person shall knowingly permit any such minor to violate this section.

4:701. Firearms for minors. No person shall sell, give away, or in any wise furnish any firearms or ammunition * * * to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate.

St. Paul

425.01—Definitions. A. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

B. Specific Terms. The following terms shall have the following meanings.

(1) Firearm. Shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(2) Handgun. Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(3) Military Type Weapon. Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

(5) Ammunition. Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

* * * * *

425.02—Persons Prohibited from Possessing Firearms. A. No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the City of Saint Paul except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

B. No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the City of Saint Paul who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

425.04—Weapons Prohibited. No person shall own, keep, carry, or have in his possession anywhere in the City of Saint Paul any military type weapons, * * * or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collector's items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

425.06—Sale, Gift, or Delivery of Firearms. A. No person shall purchase, receive or accept a handgun within the City of Saint Paul without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. * * *

B. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferer a statement [contact local authorities for required contents] * * *. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement * * *.

C. No licensed dealer shall sell, lend, give, or deliver any rifle or shotgun to any person without making and retaining a permanent record of the information required in (B) with respect to handguns. * * *

D. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in (B). * * *

E. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

F. Nothing contained in this section shall apply to sales at wholesale to dealers.

425.07—License Required to Sell Firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in Saint Paul without first obtaining a license to do so from the City Council. * * *

425.08—Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner: * * * * *

B. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type * * * weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. * * * * *

St. Paul Park

22.07 Regulation and Licensing of Firearms. d. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind and use for hunting, target practice or any other purpose.

St. Peter

Sec 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Shakopee

Section 10.20 same as Chisholm

Shoreview

908.010. Definitions. Weapon means any gun, pistol, revolver, * * * firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership or corporation.

909.020. Unlawful Acts. Except as otherwise provided herein, it shall be unlawful for any person: (A) To handle or to have in his possession or under his control for sale or otherwise any such weapon within the Village of Shoreview. * * *

909.040. Exceptions. The prohibitions of this Ordinance shall not apply to: (A) Police Officers. Duly authorized police officers of the Village when in the course and scope of their duties, nor to any officer of any Court whose duty shall be to serve warrants or to make arrests, nor to persons whose business or occupations may require the carrying of weapons for protection and who shall have obtained from the Village Council or some

other appropriate governmental agency, a license or permit to handle or have in his or her possession or control any weapon.

(B) Encased Weapons. Persons in possession of any weapon that is properly encased and/or is being stored or transported for hunting purposes and not for sale purposes. * * *

(D) Sale Not in Regular Course of Business. Persons in possession or control of any weapon for the purpose of the sale of the weapon as long as the sale is not in the regular course of said persons' business.

(E) Licensed Persons. Persons licensed hereunder.

909.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver. * * *

909.056. Conditions of License. Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the Shoreview Municipal Code or other ordinance or State law. * * * (B) No weapon of any sort shall be sold or furnished to any person under twenty-one (21) years of age.

Shorewood

Ordinance 5

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

South St. Paul

808.01. Firearms purchase restricted. No person shall purchase, receive or accept a revolver, pistol, and other firearm having a barrel of 10 inches or less in length, without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such a firearm.

808.02 Firearms sale restricted. No person shall sell, deliver, or otherwise transfer a pistol, revolver, or other firearm having a barrel of 10 inches or less in length, within the City to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such firearm.

808.03. Firearm permit required. Applications for permits to purchase, receive and accept any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, shall be made to the Chief of Police upon blanks to be provided therefor [contact local authorities for required contents]. * * *

808.06. Firearm identification marks. No person shall change, alter or obliterate the name of the make, model, manufacturer's number or other mark of identification, and no person shall keep in his possession or under his control any such firearm upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge changed, altered, renewed or obliterated.

Thief River Falls

Section 10.20 same as Chisholm

Two Harbors

(e) Sales to intoxicated persons and minors. No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Vadnais Heights

145.050. Use of Dangerous Weapons: Any person who commits any of the following acts shall be guilty of a misdemeanor under this ordinance:

* * * * *

(6) Sell or has in his possession any device designed to silence or muffle the discharge of a firearm within the limits of this Village; or

* * * * *

(8) Furnish a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of such minor's parent or guardian or of the police department within the limits of this Village;

* * * * *

Virginia

3. Dangerous weapons. It shall be unlawful for any person, persons, firm or corporation * * * to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; * * *.

8. Use of arms by minors. No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any fire arm of any kind for hunting or target practice, or any other purpose and it shall be unlawful for any person or persons to aid or knowingly permit any such minor to have such fire arms in his possession while unaccompanied by or under the immediate charge of his parent or guardian.

Wabasha

2. It shall be unlawful for any person under the age of fourteen years to handle or have in his possession or under his control, within the City of Wabasha, any firearm of any kind, except while accompanied by, or under the immediate charge of his parent or guardian.

Warren

Section 2. Sale to Minors. It shall be a misdemeanor for any person to sell, give, loan or in any manner furnish any fire-arm, air gun, ammunition or explosive to a minor without the written consent of his parent or guardian or of the Chief of Police of the city.

Waseca

6.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

West St. Paul

52.02 Deadly Weapons. * * * * * (f) Purchase of Revolvers. No person shall purchase, receive, or accept a revolver or pistol within the city without first providing the seller or transferor with his full and true name, address and date of birth in writing on a form approved by the Chief of Police.

(g) Sale of Revolvers. No person shall sell, deliver, offer for sale, or otherwise transfer a pistol or revolver within the city to any person until the purchaser or recipient of such firearm shall in the presence of the seller or transferor, write his name, address the

date of birth, on the form as provided in paragraph (f). * * *

White Bear Lake

1303.050. Dangerous weapons. No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein * * *.

No person shall give, sell, or otherwise furnish any firearms * * * or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.

Wolf Lake

Ordinance 2

Section 11. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Woodbury

1203.02 Definitions. The following terms shall have the following meanings:

A. "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association, or corporation as applied to partnerships or associations. The word includes the partners or members thereof as applied to groups. It includes the officers, agent or employees thereof who are responsible for the act referred to.

B. "Firearm" shall mean any weapon from which is propelled any missile, projectile, or bullet by means of explosives, gas, compressed air, or mechanical spring and shall include air and BB guns.

C. "Long Gun" shall mean any rifle, shot gun, or similar gun not designed to be fired from the hand.

* * * * *

1203.03 Persons Prohibited. It shall be unlawful for any person within the corporate limits of the Village of Woodbury to own, possess, carry, or have in his custody or control any firearms or ammunition except as provided below:

* * * * *

B. Shall be at least 16 years of age or shall hold a firearm safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate, except while accompanied by or under any charge of his parent or guardian.

C. Shall not within the previous 5 years have been convicted of a felony or drug addiction under the laws of this state or of any other jurisdiction or a violation of this ordinance or any other law relating to weapons.

D. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry, or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical or narcotics or other drugs.

Worthington

Section 6.20. Dangerous Weapons and Articles. Subd. 1. Acts prohibited. It is unlawful for any person to: * * * F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or, G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

* * * * *

Wyoming

402.04 No minor under the age of 14 years shall handle nor have in his possession under his control except while accompanied or under the immediate charge of his parent or guardian, any fire arm or air gun of any kind for any purpose.

Mississippi

State Law

Miss. Code

Sec. 45-9-1. Weapons to be registered; exceptions.

(1) Every person in this state who now owns or has in his possession, or who shall hereafter acquire any * * * machine guns, sub-machine guns, and/or similar firearms * * * shall be required to register such weapon in the manner and within the time hereinafter specified; provided, however, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and provided, further, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the armed forces of the United States for their use.

(2) Sections 45-9-1 to 45-9-17 shall not apply to collectors of firearms whose collection is registered with the National Rifle Association or other licensed national collectors firearms associations.

(For information concerning registration of weapons, contact the sheriff's office of the county in which you reside; if you have no fixed address, contact the sheriff's office in the county in which the weapon will be principally located)

* * * * *

Sec. 45-9-15. Transient nonresidents exempt. The provisions of sections 45-9-1 to 45-9-17 shall not apply to a transient nonresident of this state bringing a weapon with him in the course of travel into or through this state, where such weapon does not remain herein for more than thirty (30) days.

Sec. 45-9-17. Transfer of firearms. It will be necessary to register firearms under sections 45-9-1 to 45-9-17 only one time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

Sec. 45-9-19. Purchase of rifles and shotguns in contiguous states. It is declared that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 USC 921 et seq.

As used in this section, the term "a state contiguous to this state" shall mean any state with a border touching a border of this state. As used in this section, all other terms shall be given the meaning prescribed in 18 USC 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this state (including a corporation or other business entity maintaining a place of business in this state) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state and to receive or transport such rifle or shotgun into this state.

This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Sec. 97-37-1. Deadly weapons—carrying deadly weapon and use of imitation firearm prohibited—penalties. Any person who carries, concealed in whole or in part, any * * * pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as [prescribed by law] * * *.

* * * * *

Sec. 97-37-5. Deadly weapons—possession by convicted felon, as evidence of crime. The possession of any deadly weapon as described in section 97-37-1 by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of that section.

* * * * *

Sec. 97-37-13. Deadly weapons—weapons and cartridges not to be given to minor or intoxicated person. It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and on conviction thereof, * * *.

Sec. 97-37-15. Deadly weapons—father not to suffer minor son to have or carry. Any father who shall knowingly suffer or permit any son under the age of sixteen years to have or to own, or to carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited, shall be guilty of a misdemeanor. * * *

Sec. 97-37-17. Deadly weapons—possession by students. A student of any college, university, or school, who shall carry, bring, receive, own, or have on the campus, college or school grounds, or within two miles thereof, any weapon the carrying of which concealed is prohibited, or a teacher, instructor, or professor who shall knowingly suffer or permit any such weapon to be carried or so brought, received, owned, or had by a student or pupil, shall be guilty of a misdemeanor, * * *.

* * * * *

97-37-31. Silencers on firearms—manufacture, sale, possession or use unlawful. It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the State of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. * * *

Sardis

* * * * *

Section 2. Any person who shall sell any such deadly weapon (includes pistol) to a minor shall be guilty of a misdemeanor.

Vicksburg

14-93. Dispensing to minor or intoxicated person. It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

Winona

Ordinance 38

Sec. I. That it shall be unlawful for any person to sell, or give to any intoxicated person, or minor, any * * * pistol, or pistol cartridge. * * *

Yazoo City

Sec. 15-145. Certain sales prohibited. It shall be unlawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon or other weapon the carrying of which concealed is prohibited, or pistol cartridge;
* * *

Missouri

State Law

Ann. Mo. Stat. (Vernon's)

Purchase of Shotguns and Rifles

407.500. Missouri residents may purchase rifles and shotguns in contiguous states, when: Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the contiguous state in which the purchase is made.

Criminal Code
Preliminary Provisions

556.061. Code Definitions. * * * (9) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury may be discharged, * * *

Chapter 571
Weapons Offenses

571.100. Possession or control of bomb prohibited—penalty. Every person who has in his possession or under his control a bomb or bombshell, or who carries or possesses any explosive substance with intent to use the same unlawfully against the person or property of another, is guilty of a felony, and upon conviction therefor, shall be punished by imprisonment in the penitentiary for a term of not less than two nor more than ten years. The terms "bomb" and "bombshell" as used in this section shall be held to mean any device or object containing dynamite or any other explosive or highly combustible substance or chemical connected with a fuse, dynamite cap or other device or substance whereby

such explosive or highly combustible substance or chemical may be ignited or exploded, and capable of causing bodily injury or death to persons, or damage or destruction to property; provided, that this section shall not apply to the lawful possession of bombs or bombshells by peace officers or by members of military forces in the regular discharge of their duties as such.

* * * * *

571.105. Machine gun, possession a felony—exceptions. It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

571.110. Machine gun defined. The term "machine gun" as used in section 571.105 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

* * * * *

571.120. Pistol, revolver or firearms to be plainly marked. No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

571.125. Concealed weapon permits, how obtained—antique firearms exempted.

1. No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use a permit granted to another.

5. No permit shall be required for an antique firearm or replica thereof. The term "antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

571.130. Weapons must be stamped. No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 571.120; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 571.125.

571.135. Manufacture not prohibited. Nothing contained in sections 571.120 to 571.140 shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this state, to ship into other states or foreign countries, any such articles whether stamped or not so stamped.

571.140. Violation of sections 571.120 to 571.135, penalty. Any person or persons, firm, partnership, association or corporation, his or its directors, officers, agents or servants, convicted of violating any of the provisions of sections 571.120 to 571.135, shall be punished by imprisonment in the penitentiary for not more than five years, or by imprisonment in the county jail not less than six months, or by a fine not less than fifty dollars nor more than five thousand dollars, or by both such fine and imprisonment in the county jail.

Albany

Chapter 13
Article 4

Section 14—Sale of firearms, etc., to children prohibited. Any person within the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Ava

75.160. Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. an explosive weapon; 2. a machine gun; 3. a gas gun (i.e., a gas ejective device); 4. a short barreled rifle or shotgun; 5. a firearm silencer.

Belton

Sec. 15-118. Sale to certain persons prohibited. No person engaged in business

shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Boonville

49.08. Sale of weapons to minors. No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * *.

Breckenridge Hills

Section 3. * * * [no person shall] sell any pistol, revolver or other fire-arm with barrel less than 12 inches in length, within the Village of Breckenridge Hills, unless the person purchasing same shall have authorization to purchase such weapon issued by the Chief of Police of the Village * * *.

Bridgeton

Sec. 16-60. [Weapons] Sale of firearms or cartridges to minor. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor; or, without such consent, sell to any minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.

Cainsville

Ordinance 120A

Article 4

Section 16—Sale of Firearms, etc., to children prohibited. Any person with[in] the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Canton

75.180 Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. any explosive weapon; 2. a machine gun; * * * 4. a short barreled rifle or shotgun; 5. a firearm silencer

* * * * *

Cape Girardeau

18-100. Sale of weapons to minors; restrictions. No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, * * *.

Carl Junction

74.800. Weapons. * * * 5. "Sale, etc., to minor of firearm, * * * etc." It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, * * *.

Caruthersville

51.10 Sale of Ammunition to Minors. No person shall give, lend, barter, or sell to any minor under the age of 18 years, without the written consent of the guardian or parent of such minor, any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle, pistol or revolver * * *.

Charleston

12-59. Selling ammunition to minors. Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, * * * shall be deemed guilty of a misdemeanor.

Clayton

Sec. 17-31. [Weapons]—Sale of firearms or ammunition to minor. No person shall sell to any minor any firearm of any kind without the consent of the parent or guardian of such minor, * * *.

Columbia

7.1500. Weapons—Carrying concealed; delivering to minors. If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or * * * shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Crestwood

53.09. Sale of firearms or ammunition to minors. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor; or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.

Dellwood

Section 203.08 Weapons. a. It is unlawful to: * * * (5) Directly or indirectly, sell or deliver, loan or barter to any minor any [dangerous or deadly] weapon without the consent of the parent or guardian of such minor; or * * *

El Dorado Springs

Section 250.030: Sale of Firearms to Minors. If any person shall directly sell or deliver, loan or barter to any minor any kind of firearms, * * * or other deadly weapon, without the consent of the parent or guardian of such minor, within the City, he shall be deemed guilty of a misdemeanor.

Elsberry

No person in the city shall: (2) Weapons. * * * (d) Display and Sale of Specified Weapons. No pawnbroker, second-hand dealer or other person engaged in business in the City shall display or place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm, with barrel less than twelve (12) inches in length. * * *

(e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

(f) Records Required. Every second-hand dealer, pawnbroker, or other person engaged in the sale, rental or exchange of any weapons described in sub-sections (a) and (d) above shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail.

(f-l) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include all required the name of this person to whom such weapon is sold or from whom such weapon is purchased, his or her age; physical description, occupation, residence, and if residing in a municipality, the street and number where he or she resides; the make, caliber, and finish of the firearm, together with the number or serial letter thereof, if any; the date of the purchase, sale, rental, or exchange of such weapon; and the name of the employee or other person making such purchases, sale, rental or exchange.

Excelsior Springs

Sec. 24-86. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms, * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Flat River

79. Sale to minors. Any person within the corporate limits of this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Fulton

Section Twenty-Six; Sale of Pistols, Knives and Cartridges to Children Prohibited: Any person, within this City, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver * * * shall be deemed guilty of a misdemeanor.

Glasgow

75.160. Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. An explosive weapon; 2. A machine gun; 3. A gas gun (i.e., a gas ejective device); 4. A short barreled rifle or shotgun; 5. A firearm silencer.

Gower

Ordinance 132

Section 1. * * * It shall be unlawful for any person * * * to sell or deliver, loan or barter any such weapon [a deadly or dangerous weapon] to any minor * * *

Grant City

Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the city who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

* * * * * *

Grantwood Village

Section 304.01: Sale, Discharge and Use of Prohibited. It shall be unlawful for any person, firm or corporation to, within the Village, sell, offer for sale, expose for sale, use, discharge or explode any shells or cartridges, blank or otherwise, pistols, toy or otherwise, cannon, toy or otherwise, * * *.

Grain Valley

Definitions: For the purpose of this chapter—A. Firearm— The term 'Firearm' means (1) A shotgun having a barrel or barrels of less than 18 inches in length; (2) A weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) A rifle having a barrel or barrels of less than 16 inches in length; (4) A weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) Any other weapon, as defined in subsection (E); (6) A machine gun; (7) A muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) A destructive device. The term 'Firearm' shall not include an Antique Firearm or any device (other than a machine gun or destructive device) which, although designed as a weapon, by reason of the date of it's manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

B. Machinegun— The term 'Machinegun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for the use in converting a weapon into a machinegun, and any combinations of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

C. Rifle— The term 'Rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed cartridge.

D. Shotgun— The term 'Shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

E. Any other weapon— The term 'any other weapon' means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of any explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell weapons with the combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

F. Destructive Device— the term 'Destructive Device' means (1) Any explosive, incendiary, or poison gas, (a) Bomb, (b) Grenade, (c) Rocket having a propellent charge of more than four ounces, (d) Missile having an explosive or incendiary charge of more than one quarter ounce, (e) Mine, or (f) Similar device; (2) Any type of weapon by whatsoever name known which will, or which may be readily converted to, expel a projectile by the action of any explosive or other propellant, the barrel or barrels of which have a bore of

more than one-half inch in diameter, except a shotgun or shotgun shell which is generally recognized as particularly suitable for sporting purpose; and (3) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon; which is redesigned for use as a signaling, pyratechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the secretary of the army, pursuant to the provisions of the section 4684, (2) 4685, or 4686 of Title 10 of the United States code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

G. Antique Firearms— The term 'Antique Firearms' is defined the same as sec. 571.125.5 in the State Law.

H. Unserviceable Firearm— the term 'Unserviceable Firearm' means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

I. Make— The term 'Make' and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

J. Transfer— The term 'Transfer' and the various derivatives of such word shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

K. Dealer— The term 'Dealer' means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

Scope. The provisions of this code shall apply to that area of the Incorporated area of the City of Grain Valley.

Section I. Permits required— A permit shall be obtained: to manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

Section II. Sales to intoxicated persons— No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any Narcotic drug, Stimulant or Depressant, or to any person in a condition of agitation and excitability.

* * * * *

Section V. Sale of firearms to minors— No person shall directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

Section VI. Machine Guns.

6.01 Possession Prohibited— Every person who, within the City, possesses any firearm of the kind commonly known as a machine gun, as herein after defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed ninety days or by a fine not to exceed five hundred dollars ($500.00) or by both such fine and imprisonment.

6.02 Applicability to Police— Nothing in this section shall prohibit the Police Department, and the members thereof, Sheriffs or the members of the military or Naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

* * * * *

Section VIII. Explosive or flammable devices— It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a Molotov cocktail, containing flammable, combustable or explosive material or substance which can be used as a fire bomb either by igniting the fuse or breaking the device; provided however, any person who can show that he is engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Section IX. Definitions— For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section; CRIME AND VIOLENCE—Murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

* * * * *

Section XI. Possession of pistol prohibited.

11.01 No person who has been convicted in the City or elsewhere, of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control. * * * * *

Section XII. Possession of pistol by criminal; punishment— It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, it's territories, districts or possessions, to possess a pistol unless such person has been pardoned for such crime or has by law regained full status as a citizen. A person violating the provisions of this section shall be punished by a fine of not more than fifty dollars ($50.00), by imprisonment for not more than ninety (90) days or both and shall forfeit the pistol.

Section XIII. Possession of a defaced firearm.

13.01 A person commits the offense of possession of a defaced firearm, if he knowingly possesses a firearm with a manufacturers serial number, or other identification mark required by law, which has been removed, defaced, marred, covered, altered or destroyed.

13.02 It is a defense to a prosecution under this section that the person reported such possession to the police or other Governmental agency prior to arrest or the issuance of an arrest warrant or summons.

13.03 Possession of a defaced firearm is a misdemeanor.

Hanley Hills

Ordinance 54

Article 5. Sale of Firearms or Ammunition to Minors Prohibited. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Hilldale

Section 230.128 Sale of Firearms or Ammunition to Minors. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Holden

562-6—Sale of Firearms to Minors. If any person shall directly or indirectly sell, deliver, loan or barter to any minor, any kind of firearms, * * * or other deadly weapon, without the consent of the parent or guardian of

such minor, he shall upon conviction be punished by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the city jail not less than five days nor more than six months or by both such fine and imprisonment.

Iberia

17-56. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms * * * or other deadly weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemd guilty of a misdemeanor.

Independence

12.150. Weapons. E. Sales to intoxicated persons and minors. No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ironton

Ordinance 272

If any person shall * * *, directly or indirectly, sell or deliver, loan or barter, to any minor, he shall, upon conviction, be punished by imprisonment * * *.

No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keeps a full and complete record [contact local authorities for required contents] * * *, which record shall be open to inspection at all times by the Mayor of this City, any police officer, or other peace officer of this state.

No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this City, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

The permit shall be issued by the Sheriff of Iron County. If the Sheriff is satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the Sheriff.

* * * * *

Jefferson City

3. Explosives, firearms and weapons. 3.1 No person shall, in this City, * * * having upon or about his person any kind of firearms, * * * directly or indirectly sell, deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

1268. Sale of pistols, * * * and cartridges to children, prohibited. Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Jennings

Sec. 24-95. Carrying, exhibiting dangerous weapons generally; selling to minors. (If a person shall) * * * directly or indirectly sell or deliver, loan or barter to any minor any such weapon (any kind of firearms) without the consent of the parent or guardian of such minor, he shall upon conviction be punished as provided in section 1-9 of this Code. * * *

Joplin

Sec. 26-105. Sale of firearms, etc., to minors. If any person shall directly or indirectly sell or deliver, loan or barter to any minor any kind of firearms, * * * or other dangerous weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Kansas City

26.181. Sale of firearms to minors. No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, * * * casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

26.186. Machine guns.

(a) Possession prohibited. Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars ($500.00) or by both such fine and imprisonment.

(b) Applicability to police. Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces or this state or of the United States from possessing such firearms for official use in the discharge of their duties. * * * * *

(d) Definition. The term "machine gun", as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

26.188. Explosive or flammable devices. It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a molotov cocktail, containing flammable, combustible or explosive material or substance which can be used as a fire bomb either by igniting the fuse or breaking the device; provided however, any person who can show that he is engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control, is hereby exempt from the operation of this section.

Kearney

Ordinance 30

Section 1. Any person who shall, within the corporate limits of the City of Kearney * * * directly or indirectly sell or deliver, loan or barter to any minor, any such weapon, [any kind of firearms] without the consent of the parent or guardian of such minor, shall, upon conviction, be fined * * *.

Lathrop

Ordinance 32

Section 1. Any person who shall within the corporate limits of the city of Lathrop, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon (firearms), without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the city prison not less than five nor more than thirty days, or by both such fine and imprisonment.

Leasburg

Section 1. No fireworks, firearms and ammunition of any kind shall be sold, * * * within the boundaries of the Village of Leasburg, Missouri.

* * * * *

Section III. Ammunition may be sold for hunting purpose only.

Maplewood

305.19 Weapons, Etc. * * * B. No person shall sell to a minor under the age of sixteen (16) years, without the consent of that child's guardian or parents, any ammunition, firearms, or any deadly weapon. * * *

Marceline

9. No person * * * having upon or about his person, any kind of firearms * * * directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor.

Marlborough

Ordinance 106

Section 1. It shall be unlawful for any person to sell, discharge, fire or shoot any fireworks, shotgun, rifle, revolver, pistol, spring-gun, air-gun or other firearms, weapons, instruments or contrivances of any kind whatsoever using lead, slug, bullets, powder, shots or either of them, whether discharged or shot by means of powder, bullet, caps or spring, or other motive power, or any ammunition for the aforesaid firearms, within the Village of Marlborough, St. Louis County, Missouri.

Marshall

20-29. Weapons—Carriage, display. It shall be unlawful for any person * * * having upon or about his person, * * * any kind of firearms, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

Maryville

Ordinance 2399

Section 16. Sale of Firearms, etc., to Children Prohibited. Any person within the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Matthews

Ordinance 4

Sec. 20. Carrying Concealed Weapons. If any person within the town limits of this town shall * * * directly or indirectly, sell or deliver, loan barter, to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine * * *.

Mexico

44.4. Weapons transactions with incompetent persons, etc., prohibited. No person in this city shall purchase or borrow from or sell, loan or furnish to any person who is (a) under the influence of alcohol or any narcotic drug, stimulant or depressant; or (b) in a condition of agitation or excitability; or (c) legally incompetent or a minor under the age of eighteen years any weapon in which any explosive substance can be used.

Monett

Ordinance 773

Section 86. Firearms; Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, or other fire arm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance can be used, within the city. Any person violating this section shall be deemed guilty of a misdemeanor.

Monroe City

4.3. Sale of Pistols, * * *, and Cartridges to children prohibited. Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Montgomery

Section 22.770. [Any persons within the City of Montgomery who] * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, upon conviction, shall be deemed guilty of a misdemeanor.

Nevada

Sec. 23-28. No person in the city shall sell, give, furnish or procure or deliver any revolver, pistol, shotgun, rifle or other firearm capable of propelling a metal object or projectile by means of an explosive substance to any minor under the age of eighteen years without the written consent of the parent, guardian or other person having control of the minor.

Sec. 23-80. No person in the city shall sell, loan or furnish a weapon described in section 23-78 [pistol, revolver] or other weapon in which an explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Old Monroe

Section 220:015 Weapons.

D. Sales to Intoxicated Persons and Minors: No person in the City shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability or to a minor under the age of 21 years.

E. Records Required: Every second-hand dealer, pawnbroker, or other person en-

gaged in the sale, rental or exchange of any weapons described in sub-sections A and C above shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail. 1. Time of Recordation: The record required herein shall be made at the time of the transaction, in a book kept for that purpose and shall include [all required information; contact local authorities for details] * * *

B. Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor * * *

Pacific

Sec. 22-75. Sale of firearms, etc., to minors. If any person shall directly or indirectly sell or deliver, loan or barter to any minor any kind of firearm, * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of an offense.

Poplar Bluff

22-70. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearm * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Richmond

13-66. Dangerous and concealed weapons; prohibitions concerning. If any person shall carry, concealed upon or about his person, any deadly or dangerous weapon, * * * any kind of firearm, * * *, or shall directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor, shall be guilty of a misdemeanor.

Rolla

33-3. Same—Sale to minors prohibited; exception. No person shall directly or indirectly sell, deliver, loan or barter to any minor any weapon of the type described in section 33-2 [any pistol, revolver] without the written consent, or in the presence of, the parent or guardian of such minor.

33-4. Same—Exception for certain officers, etc. Section * * * 33-3 shall not apply to officers of the United States, state, county, or police officers, nor to soldiers of the United States.

St. George

Section 215.090: Carrying Concealed Weapons. No person within the confines of the City of St. George, Missouri, shall * * * have in his possession when intoxicated, or directly or indirectly sell, deliver, barter, loan or otherwise give to any minor person without the consent of the parent or guardian of such minor, any dangerous or deadly weapon of any kind or description, which shall include, but not be limited to any kind of fire-arm of the type or size that can be concealed upon the body of a person, * * *

St. Joseph

Sec. 16-161. Machine guns.

(a) Possession. It shall be unlawful for any person within the city, to possess any firearm of the kind commonly known as a machine gun, as hereinafter defined.

(b) Scope of section. Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

* * * * *

(d) Definition. The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

St. Louis

754.030. Sale of certain weapons to minors prohibited. No person shall sell or deliver, loan or barter, either directly or indirectly, to any minor under the age of 21 years, any kind of firearms, * * * or tear gas gun, vapor gas gun, or any other similar weapon, without the consent of the parent or guardian of such minor.

756.010. Definition. As used in this Chapter, the term "minor" shall mean anyone under the age of 21 years.

St. Louis County

712.020 Definitions. The term "Firearm" as is used in this Chapter means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gunbarrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "Firearm" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

712.030 Scope. The provisions of this code shall apply to that area of St. Louis County outside the incorporated cities, towns, and villages.

712.040 Specific Actions, Prohibited. 1. It shall be unlawful for any person to sell, give, lend or otherwise transfer any firearm to any person sixteen (16) years of age or younger, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person, and the person sixteen (16) years of age or younger, or in the case of a gift or loan, where such gift or loan is made with the consent of the parent or guardian of such person sixteen (16) years of age or younger

St. Louis Park

Ordinance 1284

Section 4:260. Dangerous Weapons. Whoever does any of the following is guilty of a misdemeanor: * * * * *

(7) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or * * * * *

(9) Furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or of a magistrate.

St. Mary's

Ordinance 285

[T]he sale * * * [of] fire arms and related items within Corporate Limits of City of St. Marys Mo. [is prohibited.]

Salem

75.180. Prohibited weapons. A person commits an offense if he knowingly possesses, manufacturers, transports, repairs or sells: 1. an explosive weapon; 2. a machine gun * * *; 4. a short barreled rifle or shotgun; 5. a firearm silencer * * *.

Shrewsbury

5. No person shall sell to any minor any firearms of any kind without the consent of

the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Sikeston

9-206. Dangerous or deadly weapons. (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any dangerous or deadly weapon without the written consent of such minor's parent or guardian.

Slater

Sec. 14-97. Possession of deadly weapon when intoxicated prohibited. It shall be unlawful for any person to possess, when intoxicated, any kind of firearm, * * * or other similar deadly weapon.

Sec. 14-98. Giving of firearms, etc. to minors prohibited; exception. It shall be unlawful for any person directly or indirectly, to sell or deliver, loan or barter to any minor any kind of firearm, * * * or other similar deadly weapon, without the consent of the parent or guardian of such minor.

Springfield

26-10. * * * Sale of weapons to minors. No person shall * * * sell or deliver, loan or barter to any minor any * * * weapon without the consent of the parent or guardian of such minor.

Stanberry

Chapter 14, Article 4, Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the City who shall sell to any child under the age of sixteen (16) years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Sweet Springs

31.116. Sale of weapons to minors. Any person who shall within the City, directly or indirectly sell or deliver, loan or barter to any minor any kind of firearms * * * or other dangerous weapon, without the consent of the parent or guardian of such minor, shall upon conviction thereof be deemed guilty of a misdemeanor.

University City

23-37.1. Weapons—Handguns Prohibited. It shall be unlawful for any person to manufacture, assemble, distribute, or sell any handgun within the City. 'Handgun" means any pistol, revolver or other firearm having a barrel of less than 10" in length, measured by the insertion therein of a rod with the receiver or slide closed. Nothing herein shall apply to officers of the law who are authorized to carry arms.

Valley Park

302.090: Weapons. a. It is unlawful to: (5) Directly or indirectly, sell or deliver, loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor; * * *.

Warrensburg

16-85. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms, * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Warsaw

Chapter 75—Offenses

75.170 Firearms, * * * etc.

2. No person shall directly or indirectly, sell or deliver, lend or barter to any minor any kind of firearm, * * * or other deadly weapon, without the consent of the parent or guardian of such minor.

3. Any person found guilty of violating this section shall be guilty of a misdemeanor.

Waynesville

217-1. No person shall * * * have any such weapon (any kind of firearms, including firearms designed for firing blank cartridges) in his possession when intoxicated, nor shall directly or indirectly sell or deliver, loan or barter, to any minor such weapon, without the consent of the parent or guardian of such minor.

Webb City

Sec. 17-61. * * * Firearms and ammunition not to be provided to minors. It shall be unlawful for any person within the city to sell, give away or otherwise dispose of, to any minor, firearms or ammunition of any type, including but not limited to blank cartridges, * * * excepting toy pistols which shoot paper caps only, or to allow such to be done by any person in his employ or under his control.

Wellston

Ordinance 191

Section 1. If any person shall * * * [directly or indirectly, sell or deliver, loan or barter to any minor] any kind of firearms, * * * without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than One Hundred ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than fifty days nor more than one year, or by both such fine and imprisonment; provided, that nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrest, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

Wentzville

Section 220.030: Weapons. D. Sales to Intoxicated Persons and Minors: see text of Old Monroe

E. Records Required: see text of Old Monroe

Wright City

230.420 Weapons * * * * * F. Sales to Intoxicated Persons and Minors. No one shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

* * * * * *

Montana

State Law

Rev. Codes of Mont.

94-8-201. (11317.1) Definitions. In 94-8-202 through 94-8-208 the following definitions apply:

(1) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, automatically, or semiautomatically discharged from a magazine by a single function of the firing device.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: any forcible felony, robbery, burglary, and criminal trespass.

(3) "Person" includes a firm, partnership, association, or corporation.

94-8-202. (11317.2) Possession or use of machine gun—when unlawful. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than twenty years.

94-8-204. (11317.4) Presumption of offensive or aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) when the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) when the machine gun is in the possession of or used by a person who has been convicted of a crime of violence in any court of record, state or federal, in the United States of America or its territories or insular possessions;

(3) when the machine gun is of the kind described in 94-8-208 and has not been registered as required in that section; or

(4) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

94-8-206. (11317.6) Exceptions. Nothing contained in this act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94-8-207. (11317.7) Manufacturer to keep register of machine guns—contents—Inspection—penalty for failure to keep. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars ($100.00).

94-8-208. (11317.8) Registration of machine guns now in state and hereafter acquired. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state on the—effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state and furnished upon application.

To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

94-8-209.1. Destructive device and explosive defined. (1) "Destructive device", as used in this chapter, includes but is not limited to the following weapons:

(a) a projectile containing an explosive or incendiary material or any other similar chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;

(b) a bomb, grenade, explosive missile, or similar device or a launching device therefor;

(c) a weapon of a caliber greater than .60 caliber which fires fixed ammunition or any ammunition therefor, other than a shotgun or shotgun ammunition;

(d) a rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or a launching device therefor and a rocket, rocket-propelled projectile, or similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed primarily for emergency or distress signaling purposes;

(e) a breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(2) "Explosive", as used in this chapter, means any explosive defined in 69-1901.

94-8-209.2. Possession of a destructive device. (1) A person who, with the purpose to commit a felony, has in his possession any destructive device on a public street or highway, in or near any theater, hall, school, college, church, hotel, other public building, or private habitation, in, on, or near any aircraft, railway passenger train, car, vessel engaged in carrying passengers for hire, or other public place ordinarily passed by human beings is guilty of the offense of possession of a destructive device.

(2) A person convicted of the offense of possession of a destructive device shall be imprisoned in the state prison for a period of not more than 10 years.

94-8-209.4. Possession of a silencer. (1) A person commits the offense of possession of a silencer if he possesses, manufactures, transports, buys, or sells a silencer and has the purpose to use it to commit an offense or knows that another person has such a purpose.

(2) A person convicted of the offense of possession of a silencer is punishable by imprisonment in the state prison for a term of not less than 5 years or more than 30 years or a fine of not less than $1,000 or more than $20,000 or by both such fine and imprisonment.

94-8-209.5. Possession prima facie evidence of unlawful purpose. Possession of a silencer or of a bomb or similar device charged or filled with one or more explosives is prima facie evidence of a purpose to use the same to commit an offense.

94-8-219. When Montana residents may purchase rifles or shotguns in contiguous states. Residents of Montana may purchase

any rifle or rifles and shotgun or shotguns in a state contiguous to Montana, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Montana and in the state in which the purchase is made.

Deer Lodge

This municipality has adopted Montana State laws.

Nebraska

State Law

Rev. Stat. of Nebr.

28-1201. Fugitive from justice * * * machine gun, other terms; defined. As used in sections 28-1201 to 28-1212, unless the context otherwise requires:

(1) Fugitive from justice shall mean any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

* * * * *

(4) Machine gun shall mean any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(5) Short rifle shall mean a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(6) Short shotgun shall mean a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

* * * * *

28-1203. Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception. (1) Any person or persons who shall transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony.

(2) The provisions of this section shall not be held to prohibit any act by peace officers, members of the United States armed services, or enlisted men in the National Guard of this state, in the lawful discharge of their duties, or persons qualified under the provisions of federal law relating to the short rifle, short shotgun, or machine gun.

28-1204. Unlawful possession of a revolver; exceptions; penalty. (1) Any person under the age of eighteen years who possesses a pistol, revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver.

(2) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

(3) Unlawful possession of a revolver is a Class III misdemeanor.

* * * * *

28-1206. Possession of firearms by a fugitive from justice or a felon; penalty. (1) Any person who possesses any firearm with a barrel less than eighteen inches in length * * * and who has previously been convicted of a felony or who is a fugitive from justice commits the offense of possession of firearms by a fugitive from justice.

(2) Such felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3) Possession of firearms by a fugitive from justice or a felon is a Class IV felony.

28-1207. Possession of a defaced firearm; penalty. (1) Any person who knowingly possesses, receives, sells, or leases, other than by delivery to law enforcement officials, any firearm from which the manufacturer's identification mark or serial number has been removed, defaced, altered, or destroyed, commits the offense of possession of a defaced firearm.

(2) Possession of a defaced firearm is a Class IV felony.

28-1209. Failure to register tranquilizer guns; penalty. (1) Any person who fails or neglects to register any gun or other device designed, adapted or used for projecting darts or other missiles containing tranquilizers or other chemicals or compounds which will produce unconsciousness or temporary disability in live animals, with the county sheriff of the county in which the owner of the gun or device resides, commits the offense of failure to register tranquilizer guns.

(2) Failure to register tranquilizer guns is a Class III misdemeanor.

28-1210. Failure to notify the sheriff of the sale of tranquilizer guns; penalty; record. (1) Any person, partnership or corporation selling any gun or other device as described in section 28-1209 who fails to immediately notify the sheriff of the county of the sale and giving the name and address of the purchaser thereof and the make and number of the gun or device, commits the offense of failure to notify the sheriff of the sale of tranquilizer guns.

(2) The sheriff shall keep a record of such sale with the information furnished him.

(3) Failure to notify the sheriff of the sale of tranquilizer guns is a Class III misdemeanor.

28-1211. Firearms; purchase, sell, trade, convey; conditions. The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearm accessories in Nebraska and in states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3) (A) of Public Law 90-618 of the 90th Congress, Second Session. In the event that presently enacted federal restrictions on the purchase of rifles, shotguns, ammunition, reloading components, or firearm accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of shotguns, rifles, ammunition, reloading components, or firearm accessories by residents of Nebraska otherwise competent to purchase same in contiguous or other states.

* * * * *

28-1213. Explosives, destructive devices, other terms; defined. As used in sections 28-1213 to 28-1239, unless the context otherwise requires:

(1) Person shall mean any individual, corporation, company, association, firm, partnership, society, or joint stock company;

(2) Business enterprise shall mean any corporation, partnership, company, or joint stock company; * * *

(7) Destructive devices shall mean: (a) Any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, (vi) booby trap, (vii) Molotov cocktail, or (viii) any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or

(b) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7) (a) of this section from which a destructive device may be readily assembled. The term destructive device shall not include any device which is neither designed nor redesigned for use as a weapon to be used against person or property; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the State Fire Marshal finds is not likely to be used as a weapon, or is an antique; or any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property;

* * * * *

28-1220. Possession of a destructive device; penalty; permit or license for explosive materials; no defense. (1) Any person who has in his possession a destructive device, as defined in subdivision (7) of section 28-1213, commits the offense of possession of a destructive device.

(2) A permit or license issued under any state or federal law to possess, own, use, distribute, sell, manufacture, store, or handle in any manner explosive materials shall not be a defense to the crime of possession of a destructive device as defined in this section.

(3) Possession of a destructive device is a Class IV felony.

* * * * *

28-1243. Unlawful sale of toy revolvers and blank cartridges; penalty; exceptions. (1) Any person, except as provided for in subsection (2) of this section, who shall use, sell, offer for sale, or keep for sale in this state any toy revolvers for shooting blank cartridges or blank cartridges for toy revolvers, commits the offense of unlawful sale of toy revolvers and blank cartridges.

(2) Caps containing dynamite may be used, kept for sale, or sold when needed for mining purposes, or for danger signals or for other necessary uses, and blank cartridges may be sold or used for ceremonial purposes, athletic or sporting events.

(3) Unlawful sale of toy revolvers and blank cartridges is a Class III misdemeanor.

Aurora

6-311 Misdemeanors; Selling Weapons to Minors, Possession. It shall be unlawful for any person to sell or give away to any person under the age of sixteen (16) years any rifle, gun, pistol, * * * blank cartridge revolver or any other firearm, * * * It shall be unlawful for any person under the age of sixteen (16) years to have in his possession any firearm or weapon as described above or any ammuniton designed for use in said above described firearms or weapons unless said individual is accompanied by a person of legal age.

Ceresco Village

Ceresco Code

10-413 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Creston

10-409 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Dorchester

Sec. 2. Minors and certain other persons not to be furnished with fire-arms. No person within the corporate limits of this Village shall sell, loan or furnish any gun, fowling-piece or other fire-arm to any minor, insane person or intoxicated person, unless such persons to whom said fire-arms are sold have a parent or guardian living, who, knowing of said sales, and acknowledging responsibility for the use made of said fire-arms by the ward or wards, shall give his or her consent to said sale. Any person who shall be convicted of violating any of the provisions of this Section, shall be fined * * *

Gering

6-4-3: Sale to minors: It shall be unlawful for any person within the Corporate Limits of the City to sell or give away to any minor under the age of twenty-one (21) years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Grand Island

Sec. 22-10. It shall be unlawful for any person to sell, loan, give or furnish to any minor, any gun, fowling piece, or other firearm * * * within the city.

Hastings

Sec. 39-5. Sale to intoxicated persons, minors, etc. No person in the city shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Sec. 39-6. Records of sales, etc. (a) Required generally. Every person in the city engaged in the sale, rental or exchange of any weapons described in sections 39-1 and 39-4 shall keep a record of each such weapon purchased, sold, rented or exchanged at retail.

(b) Time of recordation; contents. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include [all required information; contact local authorities for requirements] * * *

(c) Report to chief of police. Every person in the city engaged in the sale, rental or exchange of any weapons described in sections 39-1 and 39-4 shall deliver daily to the chief of police a copy of such record of every such purchase, sale, loan or gift.

Humphrey

10-409 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver

to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Kearney

Sec. 21.13. Same—Sale to and Possession by Minors. It shall be unlawful for any person within the city to sell or give way to any minor under the age of eighteen years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder, or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Kimball

6-4-4. Sale to Persons Under Eighteen Years of Age Forbidden: It shall be unlawful for any person to sell or give away to any other person under the age of eighteen years, or for any person under the age of eighteen years to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such person's, parent or guardians.

Lincoln

9.28.020 Minors not to be furnished with firearms and weapons. It is unlawful for any person to sell, loan or furnish to any minor any gun, fowling piece, or other firearm * * *; provided, it shall be lawful to sell, loan or furnish shotguns, rifles, and .22-caliber pistols, of a type commonly used for hunting, to persons eighteen years of age or older.

Malcolm

10-404 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Omaha

16.86.020 Permits Required * * * Any person who is engaged in the business of a Firearms Dealer shall first obtain a written permit to do so from the Permits & Inspection Division of the City of Omaha. * * * * *

16.86.050 Firearms to Be Retained for Ten Days. No firearm received on deposit, purchased or taken in trade by any Firearm Dealer shall be sold or permitted to be taken from the place of business of such person for the period of ten (10) days after the mailing to the Chief of Police of the copy and statement * * * requiring a list of all Firearms or other valuable things, received or deposited, purchased, mortgaged, or taken in trade during the previous day.

25.01.015 Concealable Firearm. The term 'Concealable Firearm' shall mean a firearm having a barrel less than 18" in length.

25.01.020 Firearm. The term 'Firearm' shall mean any instrument which releases a projectile by means of an explosive charge.

25.53.010 Possession of an Unregistered Concealable Firearm. It shall be unlawful for any person to own, have possession of or maintain control over any concealable firearm which has not been registered to said person with the Chief of Police in accordance with this Chapter, except when such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered.

25.93.010. Sale of a firearm to a minor. It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. Purchasing or renting a firearm. It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit from the Chief of Police as provided for in this Title.

25.93.040. Pawning a firearm. It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

Pleasant Dale Village

10-409 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Stromsburg

10-425 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Tekamah

6-4-4. Sale to minors forbidden: It shall be unlawful for any person to sell or give away to any minor under the age of twenty-one (21) years, or for any minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Trenton

10-411 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Utica

Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Waterloo Village

This municipality has adopted Nebraska State laws.

Nevada

State Law

Nev. Rev. Stat.

* * *

202.253 "Firearm" defined. As used in NRS 202.255 to 202.360, inclusive, "firearm" means any weapon with a caliber of .177 inches or greater from which a projectile may be propelled by means of explosive, spring, gas, air or other force.

202.260 Infernal machines. 1. Any person who unlawfully possesses, manufactures, or disposes of any explosive or incendiary device with intent to destroy life or property shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For the purposes of this section: (a) "Dispose of" means give, give away, loan, offer, offer for sale, sell or transfer.

(b) "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its intended use would cause destruction or injury to life or property.

3. Subsection 1 does not prohibit the manufacture, use, possession or disposal of any material, substance or device by those persons engaged in mining or any other lawful activity or who are authorized by governmental agencies, which have lawful control over such matters, to use such items in the performance of their duties.

202.275 Unlawful possession, manufacture, disposition of short-barreled rifle, short-barreled shotgun: Penalty; exceptions.

1. Any person who unlawfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For purposes of this section:

(a) "Short-barreled rifle" means:

(1) A rifle having one or more barrels less than 16 inches in length; or

(2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.

(b) "Short-barreled shotgun" means:

(1) A shotgun having one or more barrels less than 18 inches in length; or

(2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:

(a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties; or

(b) The possession of any short-barreled rifle or short-barreled shotgun by any person who is licensed as a firearms importer, manufacturer or dealer by the United States Department of the Treasury.

202.277 Changing, altering, removing, obliterating serial number of firearm unlawful.

1. It is unlawful for any person to change, alter, remove or obliterate the serial number upon any firearm. Possession of any firearm upon which the serial number has been changed, altered, removed or obliterated is prima facie evidence that the possessor has changed, altered, removed or obliterated the serial number.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

202.310 Sales of certain firearms to minors under 18 years unlawful. 1. Any person in this state who sells or barters to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360 Alien, ex-felon not to possess firearm capable of being concealed on person; penalty. 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

Tear Gas Bombs and Weapons

202.370 Definitions. As used in NRS 202.370 to 202.440, inclusive:

1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air. "Tear gas" does not include a liquid, gaseous or solid substance whose active ingredient is composed of natural substances or products derived from natural substances which cause no permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380 Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions. 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this state or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390 Weapon to bear name of manufacturer and serial number; penalty for removal. 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

* * * * *

202.400 Permit for possession, transportation, protective system, to be issued by chief of Nevada highway patrol. 1. It shall be lawful for the chief of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the chief that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

202.440 Licenses for retail sale of bombs, weapons: conditions. The sheriff of any

county may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, * * *.

* * * * *

3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent * * *.

* * * * *

598.060 Sales of rifles, shotguns to residents of Nevada and contiguous states in accordance with provisions of federal law. 1. Residents of the State of Nevada may purchase rifles and shotguns in states contiguous to Nevada if:

(a) Such residents conform to the applicable provisions of the federal firearms control law (18 U.S.C. Sec. 921 et seq.) and any regulation promulgated thereunder.

(b) Such residents conform to the provisions of law applicable to such a purchase in Nevada and in the state where the purchase is made.

Carson City

8.20.020. Sale of dangerous weapons to minors prohibited. It shall be unlawful for any person, firm or association to sell or dispose of any * * * revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010 Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

(1) "Dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

(2) "Firearm capable of being concealed" means any gun, pistol, revolver or other firearm, the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives, springs, gas or air, as a means of propulsion.

12.04.020 Dealing in pistols without permit unlawful. It is unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

12.04.050 Persons prohibited from purchasing or owning pistols. It is unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism as defined in NRS 203.160 through 203.190;

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in the state or any other state and has not subsequently been adjudged sane.

12.04.060 Prohibited sales and transfer of a pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070 Certain persons prohibited from purchasing or owning pistols. It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080 Time between sale and delivery of pistol. When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. * * *

12.04.090 Exceptions to Section 12.04.080. The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.120 Sale or possession of certain pistols prohibited. It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140 Sale of foreign made pistols with ammunition restricted. No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150 Sale of homemade pistols prohibited. No homemade pistols shall be bought or sold except as provided by law under the federal firearms act.

12.04.160 Condition of pistols sold. All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.200 Registration of firearms capable of being concealed. It is unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed, unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.

12.04.210 Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

8.98.030 Concealable weapons to be registered. It shall be unlawful for any person to own or have in his possession a gun, pistol, revolver or other firearm capable of being concealed without first having registered it with the chief of police.

8.98.040 Exchange of weapons to be registered. It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof with the chief of police by the seller, giver or person permanently passing possession thereof.

8.98.050 Concealable weapon defined. For the purposes of this chapter, a weapon capable of being concealed is defined as any gun or firearm with a barrel whose length is fourteen inches or less or whose overall length is eighteen inches or less.

Las Vegas

6-4-1: Pistol Defined: The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled * * *

6-4-2: Person Defined: The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3: Dealer Defined: The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4: Dealing in Pistols without Permit Unlawful: It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7: Sales to Certain Persons Prohibited: It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

A. Who is under the age of 18 years.

B. Who is under the influence of intoxicating beverages.

C. Who is a fugitive from justice.

D. Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.

E. Who is an unlawful user or seller of narcotics.

F. Who is a member of an association advocating criminal syndicalism as defined in Section 203.160 through 203.190 of the Nevada Revised Statutes.

G. Who is foreign born and not a naturalized citizen of the United States of America.

H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

6-4-8: Certain Persons Prohibited from Purchasing or Owning Pistols: It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9: Seventy-two Hours must Elapse between Sale and Delivery of Pistol: When any sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-12: Sale or Possession of Certain Pistols Prohibited: It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14: Sale of Foreign made Pistols with Ammunition Restricted: No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15: Sale of Home-made Pistols Prohibited: No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16: Condition of Pistols Sold: All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

North Las Vegas

66-2. It shall be unlawful for any person to sell, offer to sell or to give or lend any minor under the age of 18 years any ammunition for any firearms enumerated in Section 1 hereof (pistol, revolver and firearms capable of being concealed upon the person).

304-1. Definitions. Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this ordinance:

1.1 Dealer. The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

1.2. Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve (12) inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

304-2. Dealing in Pistols without Permit Unlawful. It shall be unlawful for any per-

son, except a dealer having a pistol permit issued under the provisions of this Ordinance, to engage in the business of buying or selling pistols at retail or wholesale or to lease or to pledge or accept any pistol as security for a loan.

304-8. 72 Hour Waiting Period. When any sale of a pistol is made by a dealer under this Ordinance, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered, all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the State of Nevada or any subdivision thereof who is regularly employed and paid by the State or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive the 72 hour waiting period.

304-11. Means of Identifying Pistol. It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the Chief of Police, in which case the means of identification shall be noted upon the registration card.

304-12. Persons Prohibited from Purchasing or Owning Pistols. It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this Ordinance who:

(a) Has been convicted of a felony in the State of Nevada, or in any state or territory of the United States or any political subdivision thereof.

(b) Is a fugitive from justice,

(c) Is an unlawful user or seller of narcotics,

(d) Is an habitual drunkard,

(e) Is a member of an organization advocating criminal syndicalism as defined in N.R.S. 203.160 through 203.190.

(f) Is foreign born and not a naturalized citizen of the United States of America,

(g) Has been adjudged insane in this State or any other state and has not subsequently been adjudged sane.

304-13. Prohibited Sales and Transfers of a Pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages,

(b) Is mentally ill or disturbed,

(c) Is under 18 years of age, or

(d) Is a person prohibited from purchasing a pistol as provided in Section 12 preceding.

304-15. Sales of Foreign Made Pistols with Ammunition Restricted. No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly designed for use with such pistol.

304-16. Homemade Pistols Prohibited. No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

304-17. Condition of Pistols Sold. All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe, operable condition.

304-20. Blank Cartridge Pistols Prohibited. Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers is prohibited.

Reno

14.14.030 Small arms ammunition defined. "Small arms ammunition" whenever used in this title means any shotgun, rifle, pistol or revolver cartridges.

14.14.040 Manufacture of small arms ammunition unlawful—Exception. It shall be unlawful for any person to manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the handloading of small arms ammunition for private use and not for resale.

14.14.050 Storage and sale of small arms ammunition unlawful without permit. It shall be unlawful for any person to store for sale, sell, or offer for sale any small arms ammunition without a permit.

Winnemucca

20.160 Minors, furnishing explosives to. 2. It is unlawful to sell or give to any minor under 12 years of age any small firearms ammunition without a written order or permit from the parent or guardian of such minor.

New Hampshire

State Law

N.H. Rev. Stat. Ann.

Chapter 159
Pistols and Revolvers

159:1 Definition. Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3 Possession; Felons. No person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, unless said weapon is obtained in accordance with the provisions of RSA 159:7. Whoever violates the provisions of this section shall be guilty of a class B felony, and upon conviction the weapon shall be confiscated to the use of the state.

159:7 Permit to Purchase. No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be guilty of a misdemeanor.

159:8 License to Sell. The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue,

permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

I. The business shall be carried on only in the building designated in the license or at any organized sporting show or arms collectors' meeting sponsored by a chartered club or organization.

159:8-a [New] Sales to Nonresidents; Attorney General. No person holding a license issued under the provisions of section 8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the the state of his residence.

159:10 Sale Without License. Any person who, without being licensed as herein provided, sells, advertises or exposes for sale, or has in his possession with intent to sell, pistols or revolvers shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

159:11 False Information. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12 Sale to Minors. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

* * * * *

159:16 [New] Carrying or Selling Weapons. Whoever, except as provided by the laws of this state, sells, has in his possession with intent to sell, or carries on his person any * * * pistol cane * * * shall be guilty of a misdemeanor; and such weapon or article so carried by him shall be confiscated to the use of the state.

159:17 [New]—Exception. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, or to watchmen while on duty.

Chapter 159-A [New]
Purchase Of Shotguns And Rifles

159-A:1 Purchase in Contiguous States. Residents of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

* * * * *

New Jersey

State Law

N.J. Stat. Ann.

2A:151-1. Definitions. The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, 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.* * *

b. Pistol or revolver includes any firearm with an overall length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with overall length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes 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.

e. Superintendent means the Superintendent of State Police.

f. Manufacturer includes all persons who receive or obtain raw materials or parts and process them into firearms or finished parts of firearms, except those persons who exclusively process grips, stocks and other nonmetal parts of firearms. It shall not include those persons who repair existing firearms or who receive and use raw materials or parts solely for the repair of existing firearms.

g. Wholesale dealer includes all persons except the manufacturer, who sell, transfer or assign firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and shall include persons, except the manufacturer, 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.

h. Retail dealer includes all persons except the manufacturer and wholesale dealer who sell, transfer or assign for a fee or profit any firearm or parts of firearms which they have purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer. It shall also include any person who sells any firearm to satisfy a debt secured by the pledge of a firearm.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

2A:151-2. Pawnbrokers not to deal in weapons. Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or * * * * * grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151-5. Additional sentence for armed criminals. Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether

or not capable of being discharged or dangerous instrument of any kind, * * * grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151-8. Certain persons not to have weapons; penalty. Any person, having been convicted in this State or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in article 2 of P.L. 1970, c. 226 (C. 24:21-3 et seq.), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another State, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction, of a crime which in said State, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

2A:151-9. Right to refuse to sell weapons; sales to persons without permit or to persons of unsound mind or with physical defect; penalty. Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151-10. Sale of weapons or loaded or blank cartridges to minors. Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151-11. Acquisition of weapons or explosives by minors; exceptions. Any person under the age of 18 years who purchases, barters, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151-12. Manufacture or sale of dangerous instruments prohibited. a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any * * * grenade, bomb, or other explosive, * * * to any person, except in accordance with Federal or State law is guilty of a misdemeanor.

2A:151-14. Silencers forbidden. Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151-15. Altering serial number, etc., of firearm; sale. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151-18. Antiques and ornaments excepted This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

2A:151-19. Manufacturers and wholesalers of firearms to be registered. No person shall manufacture or sell at wholesale any firearm until he has registered with the superintendent and has furnished him with such particulars as may be prescribed by law and by rules and regulations promulgated by the superintendent for registration. * * * * * The * * * registration shall be valid for a period of 3 years from the date of issuance. * * * The superintendent shall issue a license for each employee * * * which shall be valid for so long as the employee remains in the employ of said wholesale dealer.

2A:151-24. Licenses for retail dealers; standards and qualifications; fees, conditions. No retail dealer shall sell or expose for sale, or possess with intent to sell, any firearm, except that a retail dealer may be licensed to sell firearms as hereinafter provided.

* * * * *

A judge of the county court * * * shall grant licenses in form prescribed by the superintendent (which) shall be valid for a period of 3 years from the date of issuance. * * * The superintendent shall issue a license for each employee * * * which license shall be valid for so long as the employee remains in the employ of said retail dealer.

* * * * *

d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person:

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. * * * * *

2A:151-27. Signatures on register. The purchaser, lessee or transferee of any pistol or revolver shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

2A:151-32. Purchaser must have permit; firearms purchaser identification card. A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151-33, and shall contain his name, address and firearms purchaser identification card number or dealer's registration number, and which shall be retained by the seller as provided in section 2A:151-24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151-33. Permit to purchase; who may obtain. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any drug dependent person as defined in P.L.1970, c. 226 (C. 24:21-2) to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151-39. Restriction on number of firearms person may purchase. A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required. * * * * *

2A:151-49. "Machine gun or automatic rifle" defined. The term "machine gun or automatic rifle," as used in this chapter, means any weapon, 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 weapon, mechanism or instrument and fired therefrom.

2A:151-50. Sale, purchase or possession of machine guns; penalty. Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151-51. Exceptions to section 2A:151-50. Section 2A:151-50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151-52. License to procure machine gun; application; reference and approval; issue of license. Any person who desires to purchase; have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. * * * * *

2A:151-58. Possession or carrying of bombs. Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151-59. Possession of bombs with intent to use unlawfully; molotov cocktail; evidence of intent; exceptions. Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incen-

diary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2A:151-60. Possession or carrying of explosives with intent to use unlawfully. Any person who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any explosive liquid, gas or like substance, is guilty of a high misdemeanor.

(The following named sections of the New Jersey gun control law do not relate to specific requirements of the Federal Gun Control Act. They are, however, important to out-of-state firearms dealers who are not familiar with the gun control laws of the State of New Jersey.)

Section 2A:151-3, Penalty for loaning on firearms; 2A:151-6, Arms as evidence of intent; 2A:151-7, Firearms or explosives in vehicle; 2A:151-12b, Manufacture or sale of dangerous instruments prohibited; 2A:151-22, Manufacturer and wholesale dealer to keep record of sales; 2A:151-25, Record of sales to be kept, inspection of register; 2A:151-26, Preparation and furnishing of register; 2A:151-41, Carrying weapons, permit or identification card required, penalty; 2A:151-41.1, Possession of firearms on school or college premises; 2A:151-41.2, Defense; written consent of governing officer required; 2A:151-42, Carrying weapons about one's premises or for purposes of hunting or target practice; etc.; 2A:151-43, Carrying weapons; persons excepted from provisions of Section 2A:151-41; 2A:151-56, Unlawful use of dangerous weapons; 2A:151-57, Possession as presumption of unlawful use.

COMPILER'S NOTE:

A revised Code of Criminal Justice for the State of New Jersey was approved on August 16, 1978 and will, when it becomes effective September 1, 1979, replace the present code. The new material has been codified into Sections 2C:39 and 2C:58. For the convenience of licensees in the State of New Jersey, the text of the new law, as it was passed by the 198th New Jersey Legislature, follows. Please note that certain provisions of the new law may be amended prior to the effective date. Licensees having inquiries concerning the impact of the law should contact the Firearms Investigation Unit, New Jersey State Police, Division Headquarters, PO Box 7068, West Trenton, N.J. 08625

Chapter 39
Firearms, other dangerous weapons and instruments of crime

2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:

a. "Antique firearm" means any firearm which is incapable of being fired or discharged, or which does not fire fixed ammunition, or which 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.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one quarter of an ounce; (3) any weapon 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; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation or (sic) any part of the compound or mixture may cause such a sudden generalization of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

f. "Firearm" means any hand gun, rifle, shotgun, machine gun, 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 projectible 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.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm. * * *

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

j. "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 used raw materials or parts solely for the repair of existing firearms.

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

l. "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 consumer, 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.

m. "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.

n. "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 shot 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.

o. "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. * * *

q. "Superintendent" means the Superintendent of the State Police.

r. "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; and (3) gravity knives, switchblade 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 any 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.

s. "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 consumer, 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.

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2C:39-3. Prohibited Weapons and Devices. a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm except an antique firearm which has been defaced is guilty of a crime of the fourth degree.

f. Dum-dum bullets. Any person, other than a law enforcement officer or persons engaged in activities pursuant to 2C:39-6f., who knowingly has in his possession any hollow nose or dum-dum bullet, is guilty of a crime of the fourth degree.

g. Exceptions. (1) Nothing in this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided by any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders, or to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) Nothing in subsection f. shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land; nor shall subsection f. be construed to prevent any licensed retail or wholesale firearm dealer from possessing such ammunition at its licensed premises, provided that the possessor or purchaser has a valid firearms purchase identification card. Such card must be presented to the firearm dealer at the time the ammunition is purchased.

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2C:39-5. Unlawful Possession of Weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in section 2C:58-5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, without first having obtained a permit to purchase a handgun as provided for in section 2C:58-3 and a permit to carry the same as provided in section 2C:58-4, is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun (other than a sawed-off shotgun) without having first obtained a firearms purchaser identification card in accordance with the provisions of section 2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun (other than a sawed-off shotgun) is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any weapon other than a machine gun, handgun, rifle or shotgun under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

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2C:39-6. Exemptions. a. Section 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States of (sic) the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other Federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police, a motor vehicle inspector;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, or State park ranger;

(5) A prison or jail warden or his deputies, a correction officer or keeper of any penal institution in this State, while in the performance of his duties, and when required to possess such a weapon by his superior officer;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties; or

(7) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or boulevard police force, at all times while in the State of New Jersey, or a special policeman appointed by the governing body of any county or municipality or by the commission, board or other body having control of a county park or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons. (so in enrolled bill)

(8) County park police while engaged in the actual performance of their official duties.

b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed retail dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that any such weapon is carried in the manner specified in subsection g. of this section.

c. Subsections b. and c. of section 2C:39-5 do not apply to:

(1) A railway policeman, campus police officer appointed pursuant to P.L.1970, c. 211

(C. 18A:6-4.2 et seq.), or any other police officer, while in the actual performance of his official duties;

(2) A conservation officer or a full-time employee of the Division of Shell Fisheries having the power to arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) A full-time member of the marine patrol force or a special marine patrolman authorized to carry such a weapon by the Commissioner of Environmental Protection, while in the actual performance of his official duties;

(4) The inspectors and investigators of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, while in the actual performance of his official duties;

(5) A court attendant serving as such under appointment by the sheriff of the county or by the judge or magistrate of any court of this State, while in the actual performance of his official duties;

(6) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(7) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(8) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties; or

(9) An employee of a public utilities corporation actually engaged in the transportation of explosives.

d. Subsections b., c. and d. of section 2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held.

e. Nothing in subsections b., c. and d. of section 2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, between his dwellings and his place of business or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of Section 2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent, and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting or fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided such person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of such travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder: (So in enrolled bill)

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying of the firearms to the public or to the members of such organization or club, provided, however, that not less than 30 days prior to such exhibition or display, notice of such exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations or (sic) the superintendent may promulgate. Any firearms transported pursuant to this section must be transported in accordance with 2C:39-6.

g. All weapons being transported under subsections (b) (2), e. or f. (1) or (3) of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

2C:39-9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances.

a. **Machine guns.** Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. **Sawed-off shotguns.** Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. **Firearm silencers.** Any person who manufactures, causes (so in enrolled bill) be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. **Weapons.** Any person who manufactures, causes to be manufactured, transports, ships, or disposes of any weapon including gravity knives, switchblade knives, daggers, dirks, stilettos, blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings, or in the case of firearms is (so in enrolled bill) he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any billy or any 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, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel, is guilty of a crime of the fourth degree.

e. **Defaced firearms.** Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm is guilty of a crime of the fourth degree.

2C:39-10. Violation of the Regulatory Provision Relating to Firearms; False Representation in Applications.

a. Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card of (sic) a permit to purchase or a permit to carry a handgun, or a permit to possess a machine gun, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or any other firearm, is guilty of a crime of the third degree.

2C:39-11. Pawnbrokers; Loaning on Firearms.

a. Any pawnbroker who sells, offers to sell or to lend or to give away any weapon, destructive device or explosive is guilty of a crime of the fourth degree.

b. Any person who loans money secured by mortgage, deposit or pledge on any handgun, rifle or shotgun is guilty of a disorderly persons offense.

2C:39-12. Voluntary Surrender. No person shall be convicted of an offense under this chapter for possessing any firearms, weapons, destructive devices, silencers or explosives, if after giving written notice of his intention to do so, including the proposed date and time of surrender, he voluntarily surrendered the weapon, device, instrument or substance in question to the superintendent or to the chief of police in the municipality in which he resides, provided that the required notice is received by the superintendent or chief of police before any charges have been made or complaints filed against such person for the unlawful possession of the weapon, device, instrument or substance in question and before any investigation has been commenced by any law enforcement agency concerning the unlawful possession. Nothing in this section shall be construed as granting immunity from prosecution for any crime or offense except that of the unlawful possession of such weapons, devices, instruments or substances surrendered as herein provided.

Chapter 58
Licensing and other provisions relating to firearms

2C:58-1. Registration of Manufacturers and Wholesale Dealers of Firearms.

a. Registration. Every manufacturer and wholesale dealer of firearms shall register with the superintendent as provided in this section. No person shall engage in the business of, or act as a manufacturer or wholesale dealer of firearms, or manufacture or sell at wholesale any firearm, until he has so registered.

Applications for registration shall be made on such forms as shall be prescribed by the superintendent, and the applicant shall furnish such information and other particulars as may be prescribed by law or by any rules or regulations promulgated by the superintendent. Each application for registration or renewal shall be accompanied by a fee of $150.00.

The superintendent shall prescribe standards and qualifications for the registration of manufacturers and wholesalers of firearms, for the protection of the public safety, health and welfare. He shall refuse to register any applicant for registration unless he is satisfied that the applicant can be permitted to engage in business as a manufacturer or wholesale dealer of firearms without any danger to the public safety, health or welfare.

The superintendent shall issue a certificate of registration to every person registered under this section, and such certificate shall be valid for a period of 3 years from the date of issuance.

b. Wholesale dealer's agent. Every registered wholesale dealer of firearms shall cause each of his agents or employees actively engaged in the purchase or sale of firearms to be licensed with the superintendent as a wholesale dealer's agent. Applications for agents' licenses shall be submitted on such forms as shall be prescribed by the superintendent, and shall be signed by the registered wholesale dealer and by the agent. Each application shall be accompanied by a fee of $5.00, and each license shall be valid for so long as the agent or employee remains in the employ of the wholesale dealer and the wholesale dealer remains validly registered under this section. The superintendent shall prescribe standards and qualifications for licensed wholesale dealers' agents, for the protection of the public safety, health and welfare.

c. Revocation of certificate of registration or license. The superintendent may, after reasonable notice to all affected parties and a hearing if requested, revoke any certificate of registration or agent's license if he finds that the registered or licensed person is no longer engaged in the business of manufacturing or wholesaling firearms in this State or that he can no longer be permitted to carry on such business without endangering the public safety, health or welfare. A certificate or license may be canceled at any time at the request of the registered or licensed person.

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e. Records of Sales. Every manufacturer and wholesale dealer shall keep a detailed record of each firearm sold by him. The record shall include the date of sale, the name and address of the purchaser, a description of each firearm and the serial number thereof. The records shall be available for inspection at all reasonable times by any law enforcement officer.

2C:58-2. Retailing of Firearms. a. Licensing of retail dealers and their employees. No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare.

Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of $50.00 payable to the superintendent, and shall be made to a judge of the county court in the county where the applicant maintains his place of business. The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications established by the superintendent and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health and welfare. Each license shall be valid for a period of 3 years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality.

In addition, every retail dealer shall pay a fee of $5.00 for each employee actively engaged in the sale or purchase of firearms. The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for 3 years or so long as the employee remains in the employ of said retail dealer if such period is less than 3 years.

No license shall be granted to any person under the age of 18 years or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which an actual or equitable controlling interest is held or possessed by such an ineligible person.

All licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on the application of any law enforcement officer and after notice and hearing by the issuing court:

(1) The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises.

(2) The license or a copy certified by the issuing authority shall be displayed at all times in a conspicuous place on the business premises where it can be easily read.

(3) No firearm 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 shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes the seller, on the form prescribed by the superintendent, a certifica-

tion signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation 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 unless:

(a) Such person possesses and exhibits a valid permit to purchase a firearm and at least 7 days have elapsed since the date of application for the permit. (so in enrolled bill)

(b) The person is personally known to the seller or presents evidence of his identity; and

(c) The handgun is unloaded and securely wrapped.

(6) The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b. through e. of this section.

b. Records. Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

c. Form of register. The superintendent shall prepare the form of the register as described in subsection b. of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

d. Signatures on register. The purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

e. Copies of register entries; delivery to chief of police or county clerk. Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent, legible copies of the register forms. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

2C:58-3. Purchase of Firearms.

a. Permit to Purchase a Handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58-2a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted in this State of a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in P.L.1970, c. 226 (C.24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an alcoholic or an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms unless he produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application forms for a handgun purchase permit or firearms purchaser identification card;

(4) To any person under the age of 18 years; or

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare. * * *

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in P.L.1970, c. 226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the munici-

pality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that 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 was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of $2.00, or the application for the firearms purchase identification card together with a fee of $5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said 5 days shall be an offense under section 2C:39-10a. Any firearms purchaser identification card may be revoked by the County Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter. * * *

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within 5 days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Nothwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive or acquire said firearm shall, however, be subject to all other provisions of this chapter, and if the heir or legatee of such firearm does not qualify to possess or carry it, the firearm may be possessed by him for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

* * * * *

2C:58-5. Licenses to Possess and Carry Machine Guns. a. Any person who desires to purchase, possess and carry a machine gun in this State may apply for a license to do so by filing in the County Court of the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. The County Court shall refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor's report, together with a copy of the notice of the hearing on the application, shall be served upon the superintendent, the county sheriff, and the chief police officer of every municipality in which the applicant intends to carry the machine gun, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

* * * * *

2C:58-7. Persons Possessing Explosives or Destructive Devices to Notify Police. a. Any person who becomes the possessor of any explosive, destructive device, or ammunition therefor, which is or may be loaded or otherwise dangerous, except such as is possessed for any lawful commercial or other purpose in connection with which the use of explosives is authorized, shall within 15 days notify the police authorities of the municipality in which he resides or the State Police that the same is in his possession and shall present the same to them for inspection.

Beach Haven

Sec. 65-2. Discharge, exhibition of or possession of certain fireworks or weapons prohibited; exceptions. A. Hereafter it shall be unlawful for any person to: * * * * * (2) Exhibit, or have in his possession with intent to give away, or sell or offer for sale within the borough any * * * grenade, revolver, pistol * * *.

Belleville

1. The manufacture, storage or display for sale at retail or wholesale, or the sale at retail or wholesale of fireworks and cartridges, is hereby prohibited within the limits of the Town of Belleville, in the County of Essex.

3. The storage or display for the sale at retail or wholesale, or the sale at retail or wholesale of cartridges whether loaded or blank, is prohibited within the limits of the Town of Belleville, in the County of Essex.

7. The within ordinance shall not prohibit the sale or storage of bullets or cartridges for hunting purposes, when sold in stores that deal in sportsmen and hunting equipment.

Cresskill Borough

246-5. Purchasing or selling a firearm. Any resident of the Borough of Cresskill purchasing or selling a firearm of any description within the Borough of Cresskill shall report the same forthwith to the Chief of Police, giving a full and complete description of said firearm.

Deal Borough

5-7.3 Compliance with State Statute. No person shall possess, carry, sell, exchange, store or retain any firearm or other device

* * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Fairlawn

12.3 Permits required. a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5 General Requirements. a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, * * *, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

Glassboro

69-3. Permits required to sell or store ammunition and gunpowder. No person, firm or corporation shall sell or store gunpowder, gun shells or cartridges without having first obtained a permit from the Chief of the Fire Department, who shall inspect the place where same is to be kept.

Haddonfield

Ordinance 565

Section 1. It shall be unlawful for any merchant or person to sell or use any blank cartridge pistols or contrivances shooting or exploding or to shoot or explode blank cartridges, other than revolvers of standard make, within the limits of the Borough of Haddonfield, at any time.

Irvington

22-14. * * * Parents, etc., not to purchase [guns] for minors under sixteen or permit such minors to purchase, possess. * * * No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, * * * any of the articles or guns or devices described in section 22-13.

Kenilworth Borough

1. Except as hereinafter excepted, no person shall discharge or use any * * * shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

Lincoln Park Borough

1. The storage and sale of fire works, gun powder and ammunition in the Borough of Lincoln Park shall be subject to the following rules and regulations:

A permit for the storage and sale of fire works, gun powder and ammunition must be obtained from the Clerk of the Borough. All such permits shall expire on the first day of January after the issuance thereof. All permits issued as aforesaid shall be exposed in a conspicuous place in the place of business of the applicant.

No blank cartridge pistol or blank cartridge shall be sold or kept in stock; no pistol or fire arm of any description shall be sold to anyone under the age of fifteen years.

Manasquan

Chapter 64

64-2. No person shall possess, carry, sell, exchange, store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Millburn Township

Sec. 25-1-7. No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, * * *. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, * * * firearm, * * *.

Mountainside

* * * * *

Sec. 54-2. Sale of firearms. The sale or offering for sale, within the limits of the Borough of Mountainside, of any new or used shotguns, rifles, revolvers or pistols, is prohibited unless special permission for that purpose be first obtained in writing from the Chief of Police of the Borough of Mountainside and the seller shall theretofore have lawfully acquired such firearms and shall have complied with all requirements of pertinent state statutes.

Northfield

1. That from and after the passage of this ordinance, it shall be unlawful for any person, persons or corporation, to offer for sale, make sale of or use, any gun or guns, pistol or pistols, firearms or fireworks, of any description whatsoever, within the limits of the City of Northfield, without a special permit or license therefor.

Nutley

Section 1. No person or persons shall possess, make, throw, discharge or explode a Molotov Cocktail or other incendiary object within the limits of the Town of Nutley in Essex County, New Jersey;

Section 2. No person or persons shall at any time have in their possession or cause to be made, thrown, discharged or exploded a Molotov Cocktail or any such incendiary object;

Paulsboro Borough

35-1. Permission for use required. It shall be unlawful to sell or use within the limits of the Borough of Paulsboro, at any time, any blank cartridge, pistol or gun, cap pistol or gun, cartridge cannon, toy gun, pistol or cannon firing an explosive of any kind or character, * * *.

Piscataway

7-7-1. It shall be unlawful for any person to carry or possess a loaded gun or any firearm until licensed or authorized by State or Federal Authorities, or both.

Prospect Park Borough

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Rockaway Borough

Article III. Firearms

Sec. 32-37. Sale to be in accordance with laws. No pistol or firearm of any description shall be sold to anyone except as provided by law.

Sec. 32-38. Selling, keeping blank cartridge pistols prohibited. No blank cartridge pistol shall be sold or kept in stock in the borough.* * * * * *

Scotch Plains

2. No person shall, within the limits of the Township of Scotch Plains, sell, offer for sale, set off or discharge, any cannon, gun, revolver, toy pistol or firearms of any description whether the same be loaded with blank or full charge; * * *

Sea Girt Borough

Section 3 No person shall possess, carry, sell, exchange, store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Section 4 The provisions of this ordinance shall not apply to the authorized use, possession and storage of firearms within the confines of the National Guard Training Center and Supply Depot located within the borders of the Borough of Sea Girt.

Secaucus

Sec. 72-1. Sale to minors prohibited. The sale of guns, rifles, * * * to minors is hereby prohibited.

Sec. 72-2. Possession by minors unlawful. It shall be unlawful for any minor to have in his possession any gun, rifle, * * *.

* * * * * *

Tenafly Borough

4. Any purchase or sale of a firearm of any description within the Borough of Tenafly shall be made in compliance with the Laws of the State of New Jersey applicable thereto.

West New York

1. That no person, firm or corporation shall sell or deliver to any person, within the Town of West New York, in the County of Hudson, any pistol, gun, revolver, firearm of any description unless such person, shall file with the seller a permit from the Mayor or the Chief of Police of the Police Department of this Town, permitting him to make such purchase.

2. No person, shall purchase a revolver, pistol, gun or firearm from any person, firm or corporation in this Town, without obtaining from the Mayor or Chief of Police of the Police Department of this Town a permit to make such sale. * * *

Winfield Township

5. An ordinance to regulate the manufacture, storage, sale, keeping or conveying of gun powder, nitroglycerine, dynamite and other explosives. 1. No person, firm or corporation shall manufacture, store, sell, keep or convey gun powder, nitroglycerine, dynamite or other explosives within the limits of this Township.

6. An ordinance to regulate and prohibit the sale and use of guns, pistols, etc. 1. No person, firm or corporation shall sell or use guns, pistols, fire arms or fire works within this Township without having previously obtained a permit for same from the Township authorities.

New Mexico

State Law

N.M. Stat. Ann.

40A-7-8. Firearms—Sale and purchase. Residents of states contiguous to New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.

Alamagordo

5-6-4. Transactions with minors. It shall be the responsibility of each person or firm who buys, sells or loans money on secondhand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

2-9. Negligent Use of Weapons. A. Negligent use of a weapon consists of either: * * * 4. Selling, loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent.

2-10. Unlawful Possession, Transfer or Sale of Weapons.

* * * * * *

B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Artesia

21.36. Sale of firearms to minors. No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Belen

2-9. Negligent Use of Weapons. A. Negligent use of weapon consists of either: * * * * * 4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent. * * * * *

2-10. Unlawful Possession, Transfer or Sale of Weapons. * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Central Village

6.206 Furnishing firearms to minors. No person shall sell, loan or furnish to any minor below the age of sixteen (16) years any gun, pistol or other firearm within the limits of the village, nor shall any person in the village sell or give to any minor below the age of sixteen (16) years any cartridges of fixed ammunition of which any fulminate is a component part.

Cimarron

Ordinance 108

220-1-11 G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for

anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms * * * or ammunition for his child or ward.

Cloudcroft

6-1-10 Unlawful Possession, Transfer or Sale of Weapons. * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Espanola

18. Weapons—furnishing firearms, etc., to persons under sixteen. It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, * * * in the city.

19. Same—possession of firearm by person under sixteen. It shall be unlawful for any person under sixteen years of age to have in his possession any firearm * * * within the city, except that when such person is under the immediate supervision of an adult instructor or teacher such possession shall not be considered a violation of this section.

Farmington

Sec. 21-80. Same—Furnishing to minors. No person shall sell, lend or furnish to any minor, below the age of sixteen, any gun, pistol or other firearm, within the city. Nor shall any person in the city sell or give to any minor below the age of sixteen any cartridges of fixed ammunition of which any fulminate is a component part.

Gallup

6-4-5: Sales of Firearms to Minors Prohibited: The giving, selling, trading, bartering or exchanging for anything of value of any firearm as defined in Section 6-4-1 [shotguns, rifles, pistols] or of any ammunition for any firearm, to any person under the age of eighteen (18) years, within the corporate limits of the Municipality, is hereby prohibited and declared to be a misdemeanor; provided, however, that nothing herein contained shall be construed to prohibit any parent or legal guardian from purchasing such a weapon for his child or ward, or from giving such a weapon to his child or ward, subject to the provisions of Section 6-4-3 hereof.

Grants

6-1-58 Firearms—furnishing to minors. No person shall sell, loan or furnish to any minor below the age of sixteen any gun, pistol or other firearm within the limits of the Town, nor shall any person in the Town sell or give to any minor below the age of sixteen any explosive ammunition.

Hurley

Ordinance 2

Section 12. Selling to Minors Under 16 Years. No person shall sell, load, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fuliminate is a component part.

La Mesilla Town

7-1-14 * * * G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Cruces

G. Sales to minors: It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Vegas

7-1-14. G. Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Los Lunas

Ordinance 86

2-9. Negligent Use of Weapons. * * * * * 4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent.

* * * * *

2-10. Unlawful Possession, Transfer or Sale of Weapons. * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Lovington

7-1-14. Deadly weapons. * * * * *

(e) Exposing Others to Danger. It is unlawful to * * * sell, loan or furnish any deadly weapon to persons under the influence of any intoxicant or narcotic or to any incompetent person. * * * * *

(g) Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon * * * or ammunition for any firearm to any person under the age of eighteen years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Mountainair

7-1-10 * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward so long as the weapon and ammunition used by the child are used while under the supervision of the parent or legal guardian.

* * * * *

Questa

7-1-14 * * * G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange

for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

Raton

9.F. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Red River

* * * * *

G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years, provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

Ruidoso Downs

7-1-14 * * * G. Sales to Minors: It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

Santa Fe

15-31. Weapons—Furnishing firearms, etc., to persons under sixteen. It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, * * * within the city.

Silver City

7.206—Selling to Minors Under 16 Years. No person shall sell, loan, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fulminate is a component part.

Taos

G. Sale to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Tatum

5.12 (e) Exposing Others to Danger. It shall be unlawful * * * to sell, loan or furnish any deadly weapon to persons under the influence of any intoxicant or narcotic or to any incompetent person.

5.12. (g) Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of eighteen (18) years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Tucumcari

12-1-14 G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon * * *, or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

New York

State Law

N.Y. Consol. Laws (McKinney's)

Penal Law

265.00. Definitions. As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person, except an antique firearm.

* * * * *

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any firearm or machine-gun.

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

* * * * *

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

14. "Antique Firearm" means: Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

15. "Loaded firearm" means any firearm loaded with ammunition or any firearm which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such firearm.

15-a. "Electronic dart gun" means any device designed primarily as a weapon, the purpose of which is to momentarily stun, knock out or paralyze a person by passing an electrical shock to such person by means of a dart or projectile.

16. "Certified not suitable to possess a rifle or shotgun" means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a rifle or shotgun.

* * * * *

Sec. 265.01 Criminal possession of a weapon in the fourth degree. A person is guilty of criminal possession of a weapon in the fourth degree when:

(1) He possesses any firearm, electronic dart gun * * * or

* * * * * *

(4) He possesses a rifle or shotgun and has been convicted of a felony or serious offense; or

(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. * * *

Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

Sec. 265.02 Criminal possession of a weapon in the third degree. A person is guilty of criminal possession of a weapon in the third degree when:

(1) He commits the crime of criminal possession of a weapon in the fourth degree as defined in subdivision one, two, three or five of section 265.01, and has been previously convicted of any crime; or

(2) He possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or

(3) He knowingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm; or

(4) He possesses any loaded firearm. Such possession shall not, except as provided in subdivision one, constitute a violation of this section if such possession takes place in such person's home or place of business.

Criminal possession of a weapon in the third degree is a class D felony.

* * * * *

Criminal possession of a weapon in the first degree is a class B felony.

Sec. 265.05 Unlawful possession of weapons by persons under sixteen. It shall be unlawful for any person under the age of sixteen to possess * * * any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, * * *.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

Sec. 265.10 Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances. 1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. * * *

2. Any person who transports or ships any machine-gun or firearm silencer is guilty of a class D felony. Any person who transports or ships as merchandise any firearm * * * is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision one of section 265.01 is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who wilfully defaces any machine-gun or firearm is guilty of a class D felony.

7. Any person, other than a wholesale dealer, or gunsmith or dealer in firearms duly licensed pursuant to section 400.00, lawfully in possession of a firearm, who disposes of the same without first notifying in writing the licensing officer in the city of New York and counties of Nassau and Suffolk and elsewhere in the state the executive department, division of state police, Albany, is guilty of a class A misdemeanor.

Sec. 265.15 Presumptions of possession, unlawful intent and defacement.

1. The presence in any room, dwelling, structure or vehicle of any machine-gun is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun is found.

2. The presence in any stolen vehicle of any weapon, instrument, appliance or substance specified in sections 265.01, 265.02, 265.03, 265.04 and 265.05 is presumptive evidence of its possession by all persons occupying such vehicle at the time such weapon, instrument, appliance or substance is found.

3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, defaced firearm, firearm silencer, explosive or incendiary bomb, bombshell, * * * is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver; or (c) if the weapon so found is a pistol or revolver and one of the occupants, not present under duress, has in his possession a valid license to have and carry concealed the same.

4. The possession by any person of the substance as specified in section 265.04 is presumptive evidence of possessing such substance with intent to use the same unlawfully against the person or property of another if such person is not licensed or otherwise authorized to possess such substance. The possession by any person of any * * * weapon, instrument, appliance, or substance designed, made or adapted for use primarily as a weapon, is presumptive evidence of intent to use the same unlawfully against another.

5. The possession by any person of a defaced machine-gun or firearm is presumptive evidence that such person defaced the same.

Sec. 265.20 Exemptions. a. Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in sections 265.01, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, and peace officers as defined in subdivision thirty-three of section 1.20 of the criminal procedure law and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

(d) A person voluntarily surrendering such weapon, instrument, appliance or substance, provided that such surrender shall be made to the sheriff of the county in which such person resides and in the county of Nassau to the commissioner of police or a member of the police department thereof designated by him, or if such person resides in a city having a population of seventy-five thousand or more to the police commissioner or head of the police force or department, or to a member of the force or department designated by such commissioner or head; and provided, further, that the same shall be surrendered by such person only after he gives notice in writing to the appropriate authority, stating his name, address, the nature of the weapon to be surrendered, and the approximate time of day and the place where such surrender shall take place. Such notice shall be acknowledged immediately upon receipt thereof by such authority. Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such weapons, instruments, appliances or substances surrendered as herein provided. A person who possesses any such weapon, instrument, appliance or substance as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property for a period not over fifteen days. If such property is not lawfully disposed of within such period the possessor shall deliver it to an appropriate official described in this paragraph or such property may be delivered to the superintendent of state police. Such officer shall hold it and shall thereafter deliver it on the written request of such executor, administrator or other lawful possessor of such property to a named person, provided such named person is licensed to or is otherwise lawfully permitted to possess the same. If no request to deliver the property is received within two years of the delivery of such property to such official he shall dispose of it in accordance with the provisions of section 400.05 of the penal law.

2. Possession of a machine-gun, firearm, * * * by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of a crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00; provided, that such a license shall not preclude a conviction for the offense defined in subdivision three of section 265.01.

4. Possession of a rifle, shotgun or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to section 11-0713 of the environmental conservation law.

5. Possession of a rifle or shotgun by a person who has been convicted as specified in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

* * * * *

7. Possession, at an indoor or outdoor rifle range for the purpose of loading and firing the same, of a rifle of not more than twenty-two calibre rim fire, the propelling force of which may be either gunpowder, air or springs, by a person under sixteen years of age but not under twelve, who is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as a part of its facilities, or having written permission to use, such rifle range under the supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state.

7-a. Possession and use, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by the national rifle association for the purpose of loading and firing the same, by a person duly licensed to possess a pistol or revolver pursuant to section 400.00 of this chapter of a pistol or revolver duly so licensed to another person who is present at the time.

8. The manufacturer of machine-guns * * * as merchandise and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, policeman or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States.

9. The regular and ordinary transport of firearms as merchandise, provided that the person transporting such firearms, where he knows or has reasonable means of ascertaining what he is transporting, notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery, of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by such police commissioner, police chief or other law enforcement officer as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms.

10. Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to section 400.00.

11. Possession of a pistol or revolver by a police officer or sworn peace officer of another state while conducting official business within the state of New York.

b. At any time, any person who voluntarily delivers to a peace officer any weapon, instrument, appliance or substance specified in section 265.01, 265.02, 265.03, 265.04 or 265.05, under circumstances not suspicious, peculiar or involving the commission of any crime, shall not be arrested. Instead, the officer who might make the arrest shall issue or cause to be issued in a proper case a summons or other legal process to the person for investigation of the source of the weapon, instrument, appliance or substance.

* * * * *

265.40. * * * It shall be lawful for a person or persons residing in this state to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

Article 400—Licensing And Other Provisions Relating To Firearms

Sec. 400.00 Licenses to carry, possess, repair and dispose of firearms.

1. Eligibility. No license shall be issued or renewed pursuant to this section except by

the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or a serious offense; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

* * * * *

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a pistol or revolver shall be issued to * * * (f) have, possess, collect and carry antique pistols which are defined as follows: (i) any single shot, muzzle loading pistol with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, which is not designed for using rimfire or conventional centerfire fixed ammunition; and (ii) any replica of any pistol described in clause (i) hereof if such replica—

(1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

* * * * *

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as a peace officer or other exempt person pursuant to section 265.20. The licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department or unit, in the case of an exempt person. The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer.

N. Y. Consol. Laws (McKinney's)

Village Law

89. General powers of the board of trustees. 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

Babylon

Sec. 1. No person shall offer, sell, loan, lease or give to any child under the age of sixteen years any gun, revolver, pistol or other firearm, * * * or any instrument or weapon commonly known as a toy pistol, or a blank gun or any type of gun, pistol, cannon or instrument simulating a weapon in or upon which any loaded or blank cartridge, powder and ball are used or may be used, or any loaded or blank cartridge, powder or ammunition therefor.

It shall be unlawful for any child under the age of sixteen years to have in his possession or to use any of the articles, instruments or weapons enumerated in this section.

Sec. 2. No person over the age of sixteen years shall have in his possession any gun, revolver, pistol or other firearm, * * * without having procured a permit to possess the same from such official, agency or department as the Board of Trustees may from time to time by resolution designate.

Brockport

Sec. 18-1. Selling or discharging prohibited. It shall be unlawful for any person or persons to sell or discharge firearms, fireworks or other explosives, including the explosion of gunpowder and gun cotton, within the corporate limits of the Village of Brockport.

Buffalo

Fire Prevention Code

12.01. Definition. "Small arms ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns. "Small arms ammunition primer" shall mean a small percussion-sensitive explosive charge, encased in a cap, used to ignite propellant powder.

12.02. License Required for the Possession and Sale of Fixed Ammunition for Small Arms. No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses and permits of the city of Buffalo upon the approval of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. * * *

12.03. Manufacture of Small Arms Ammunition Within the City Is Prohibited. No person shall manufacture within the limits of the city, any fixed ammunition for small arms. Exception: Hand loading of small arms ammunition prepared for personal use when not for resale.

12.04. Hand Loading of Small Arms Ammunition. No person shall engage in the hand loading of small arms ammunition except for private personal use only and not for resale. A reloading of small arms ammunition shall be limited to the use of sporting or smokeless powder. An amount not in excess of five pounds and in the original container may be kept in a building without storing such powder in a magazine. An amount not in excess of ten pounds stored in a magazine and one thousand small arms primers packed in approved ICC containers may be kept in a building. Smoking while handling powder is prohibited. Storage of powder shall be inaccessible to children.

The hand loading of small arms ammunition is hereby prohibited in all buildings classified as multiple dwellings or multiple housing by the division or rehabilitation and conservation.

Licensing of Trades and Businesses

Sec. 237. Pawn of Firearms and Other Goods Prohibited. No pawnbroker shall receive in pawn any pistol, revolver or other firearm of a size which may be concealed upon the person, * * *

Cedarhurst

Sec. 11-4. Firearms, firecrackers, explosives. * * * (b) Sale, delivery prohibited; exception. No person or corporation shall at any time sell, expose for sale or give away any loaded cartridges, blank cartridges, percussion-caps * * * except to licensed holders of

firearms and except shells for firearms not requiring a license.

Churchville

Chapter 2-A Within the Village of Churchville no person or corporation shall, without a license: Sec. 1. Store, sell or discharge firearms, fireworks or other explosives.

* * * * *

Fayetteville

Sec. 12-4. Firearms.

(a) No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give or dispose of or discharge any firearms except as provided in the Penal Law, nor any small arms ammunitions within the limits of the village without permission from the village board of trustees or the mayor.

(b) In the event that permission be given, such permit shall indicate the exact time when, the place where, and the detailed method by which the act permitted is to be executed; and suitable indemnity shall be given the village against all claims against the village arising from the act so permitted.

(c) Small arms ammunition, whenever used in this section, shall be held to mean any shotgun, rifle, pistol or revolver cartridge.

Great Neck

Ordinance 2—The Use of Fire-Arms. ***** 2. Sale of Toy Pistols: No person shall sell or dispose of to a minor any toy pistol or pistol that can be loaded with powder and ball or blank-cartridge to be exploded by means of metal caps, but nothing herein contained shall apply to the sale or disposal of what are known as fire-cracker pistols, torpedo pistols or such pistols as are used for the explosion of paper caps.

* * * * *

Ordinance 22—Regulating the Sale, Transportation, Storage and Discharge of Firearms and Other Explosives. ***** Second: No person, firm or corporation shall sell, expose for sale or give away any loaded cartridges, blank cartridges, caps, percussion caps, fuse or electric blasting caps, dynamite, fire-crackers or other fireworks or any other explosive materials of any description without first obtaining a permit from the Village Board of the Village of Thomaston.

* * * * *

Hastings on Hudson

Chapter 25
Article I

Sec. 25-2. Sale of fireworks, firearms, ammunition. It shall be unlawful for any person to sell or offer for sale within the village any blank cartridges, pistol, cannon, firecracker, torpedo canes for firing ammunition, or any ammunition commonly known as "cartrack ammunition," and any and all kinds, within the said village.

* * * * *

Hempstead

6-57. Permits for sale of ammunition. (a) Required: issuance. Permits for the sale and storage of ammunition may be granted in the discretion of the village board. Application shall be made in writing to the village clerk; * * * Such permit shall apply only to the premises and persons stated and to the class and kind of ammunition mentioned therein and shall be subject to such conditions and restrictions as the board may prescribe.

Kings Point

Ordinance 8

* * * * *

Sec. 2. No person, firm or corporation shall in the Village of Kings Point sell, expose for sale, or give away, any loaded cartridges, blank cartridges * * * or any other explosive materials of any description, without first obtaining a permit from the Village Clerk.

* * * * *

Kingston

Sec. 11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of Kingston.

Sec. 11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small ammunition without first having obtained a permit therefor from the Fire Chief.

Mount Vernon

Sec. 78-15. Prohibition Against Fire Bombs or "Molotov Cocktails". (a) Prohibition: No person or organization shall assemble, manufacture, produce, distribute, store or possess fire bombs or "Molotov Cocktails" or any similar devices which employ the use of gasoline or any other flammable or combustible substance.

(b) Fire Bomb or "Molotov Cocktail" defined: A glass or other breakable or collapsible portable container in which is contained gasoline or other flammable or combustible liquid with a wick attached thereto, which upon impact will burn, explode or ignite.

New York City

436-5.0. Firearms. a. Pistols or revolvers, keeping or carrying. 1. The commissioner shall grant and issue licenses and permits hereunder pursuant to the provisions of Article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January after the date of issuance.

2. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of thirty dollars for each original application for the license period or part thereof, a fee of twenty dollars for each renewal application, and a fee of ten dollars for each replacement application of a lost license. A fee of ten dollars shall be paid for each renewal license that is issued for a period of one year or part thereof.

436-6.0. Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns. Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm or machine gun.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436-6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436-6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436-6.1 Licensing of gunsmiths, of wholesale manufacturer of firearms, of assemblers of firearms, or of dealers in firearms. a. It shall be unlawful for any person to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, or of dealer in firearms, unless such person, firm, partnership, corporation or company has obtained a license in the manner prescribed in this section.

b. No license shall be issued or renewed pursuant to this section except by the commissioner, and then only after investigation and finding that all statements in a proper application for a license or renewal are true. No license shall be issued or renewed except for any applicant:

(1) of good moral character;

(2) who has not been convicted anywhere of a felony or of any of the following misdemeanors or offenses: * * *

(3) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and

(4) concerning whom no good cause exists for the denial of the license.

c. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city. * * *

k. The conviction of a licensee anywhere of a felony or any of the misdemeanors or offenses enumerated in paragraph two, of subdivision b, of this section, shall operate as a revocation of the license. * * *

436-6.3. Licensing of dealers in rifles and shotguns. No person shall engage in the business of purchasing, selling, licensing, or in any manner disposing of shotguns or rifles unless he has been issued a permit for the purchase and possession of shotguns and rifles, and prominently displays in his place of business a license as a registered dealer in shotguns and rifles. * * *

436-6.6 Permits for possession and purchase of rifles and shotguns. It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or

2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a. of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436-6.9. Certificates of registration. a. It shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

e. Disposition of rifles and shotguns—No person lawfully in possession of a rifle or

shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition.

2—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436-6.10. Exemptions. The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436-6.11. Sale and purchase of ammunition. At any time after one year from the effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

436-6.13. Identifying marks. a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

C19-38.0. Storage and sale. a. Permit. It shall be unlawful to store, sell or offer for sale any ammunition in excess of two hundred small arm cartridges without a permit.

Pelham Manor

20—Firearms (a) It shall be unlawful for any person without proper license issued under the laws of the State of New York to possess or carry any pistol, revolver, sawed-off shotgun or other firearms as defined in Section 1 of this Code of General Ordinances of a size which may be concealed upon the person except in the case of any person who is specifically exempt from the State licensing provisions under the laws of the State of New York.

Rochester

47-5. Rifles, guns, revolvers and dangerous instruments. A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is com-

pressed air, compressed gas, a spring or any elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.

Saddle Rock Village

Ordinance 10

* * * * *

Section 2. No person, firm or corporation shall keep, store, sell, expose for sale or give away any loaded cartridges, blank cartridges, caps, percussion caps, * * * without first obtaining a permit from the Board of Trustees of the Village of Saddle Rock.

* * * * *

Suffolk County

Local law No. 7

* * * * *

Section 2. Definitions. (a) The term "firearm" means any handgun (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including: a pistol; a revolver; an automatic; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or the trigger, barrel or cylinder of any such weapon.

(b) The term "manufacturer" means any person engaged in the manufacture of any firearm, or the assembly of any firearm for the purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this local law.

(c) The terms "person", "applicant" and "whoever" include any individual, corporation, company, association, firm, partnership, society or joint stock company.

(d) The term "Commissioner" shall mean the Commissioner of the Suffolk County Police Department, or such member of the Department as the Commissioner may designate to handle the licenses authorized by this local law.

Section 3. Prohibited Conduct. It shall be unlawful for any person to manufacture or assemble any firearm within the confines of Suffolk County without having first obtained a written license from the Commissioner of the Suffolk County Police Department, as hereinafter prescribed.

Section 4. License Requirements * * * (a) No person shall engage in business as a firearms manufacturer in Suffolk County until he has filed an application with, and received a license to do so from, the Commissioner of the Suffolk County Police Department. The application shall be in such form and contain such information as the Commissioner shall by regulation prescribe * * * (Contact the Office of the Commissioner for additional information; the license fee is $500.00 a year)* * * * *

(c) Any application submitted hereunder shall be disapproved and the license denied and the fee returned to the applicant, if the Commissioner, after notice and opportunity for hearing, finds that (the applicant is not qualified to receive a license to manufacture firearms; contact the office of the commissioner for information on the categories in Section 4(c) under which an application would be denied)

Section 5. Business Location. (a) Every person licensed pursuant to this local law shall maintain a place of business in Suffolk County, and shall have on hand for inspection by any Police Officer, a complete record of every firearm manufactured, * * * [Contact the office of the commissioner for required contents under Section 5 (a)]

1. (In general) The [following] Rules and Regulations are promulgated to implement Local Law No. 7—1972 of Suffolk County.

* * * * *

Part B—Definitions

1. The term "manufacturer." [See Section 2(b), above]

2. The term "firearm." [See Section 2(a), above]

3. The terms "person", "applicant" and "whoever." [See Section 2(c), above]

4. The term "Commissioner." [See Section 2(d), above]

5. The term "license" means the permit or permission of the Commissioner of the Suffolk County Police Department to engage in the manufacture of "firearms".

6. The term "business premise" means the property on which the firearms manufacturing is or will be conducted.

7. The term "firearm frame or receiver" means that part of a firearm which provides housing for the hammer, bolt or breechlock and firing mechanism, and which is usually threaded at its forward position to receive the barrel.

Part C—Administrative Provisions

1. The Commissioner is authorized to prescribe all forms required by this law. All of the information called for in each form required shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

2. Each license issued will specify what type or types of firearms may be manufactured by the licensee and only those types approved by the commissioner may be manufactured in the licensee's business premise. A separate license is required for each manufacturing site or premise.

3. Any person desiring a license pursuant to Local Law No. 7-1972 shall, in addition to filling out those forms required in paragraph #1 of this section, also fill out a "Factoring Criteria for Weapons" form for each type of firearm to be manufactured as per paragraphs 4 and 5.

4. If the applicant desires to manufacture a Pistol model firearm (including automatics), he shall prepare and submit form PDCS-382-52 in quadruplicate. No license to manufacture a pistol model firearm will be issued by the Commissioner unless a qualifying score of 75 points is obtained.

5. If the applicant desires to manufacture a Revolver model firearm, he shall prepare and submit form PDCS-382-51 in quadruplicate. No license to manufacture a revolver model firearm will be issued by the Commissioner unless a qualifying score of 45 points is obtained.

6. Each applicant shall submit along with his application (or have available at a specific location, if possible) a model of each firearm he desires to manufacture for the purpose of comparison with the information placed on the "Factoring Criteria for Weapons" form, by a member of this Police Department. Such member, after inspection and comparison, shall forward his findings on internal correspondence directly to the Commissioner.

7. Once a license has been issued by the Commissioner to manufacture an approved firearm, no deviation from those standards of production will be permitted without the prior approval of the Commissioner.

Part D—Right of Entry and Examination

1. Any duly authorized police officer may enter during business hours the premises, including places of storage, of any licensed manufacturer for the purpose of inspecting or examining any records or documents required to be kept by these rules and regulations, and

any firearms kept or stored at the said premises.

2. Each person licensed pursuant to Local Law No. 7-1972 shall maintain a place of business in Suffolk County and shall have on hand for inspection by any duly authorized police officer, a complete record of every firearm manufactured therein, including but not limited to [all information required by law; contact local authorities for requirements] * * *

3. Each person licensed pursuant hereto shall maintain adequate security measures to prevent the theft of any of its stock and shall adopt and follow such reasonable security measures as may be recommended by any duly authorized police officer.

Part E—Licenses

1. Every person engaged in, or intending to engage in the manufacturing of firearms in Suffolk County, shall obtain a license to do so. [Contact local authorities for criteria upon which denials are based]

* * * * *

4. All employees of the applicant must submit to fingerprinting for the purposes of determining whether or not he has a criminal record. If any employee would be prohibited from obtaining a firearm license itself pursuant to Section 400.00 (1) of the Penal Law, the applicant may not employ him in the licensed premises.

Part F—License Fees

1. Each applicant shall pay a fee for obtaining a manufacturer's license, a separate fee being required for each business location or premise.

Part G—License Proceedings

1. Whenever the Commissioner has reason to believe that an applicant is not eligible to receive a license hereunder, he may issue a letter of denial to the applicant. [Contact local authorities for details on the review process]

Part H—Posting of License

1. Any license issued under this part shall be kept posted and kept available for inspection on the premises covered by the license.

Part I—Identification of Firearms

1. Each licensed manufacturer of any firearm shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer; in the case of a domestically made firearm, the city and state (or recognized abbreviation thereof) wherein the licensed manufacturer maintains his place of business;

2. Such individual serial number shall be affixed either to the frame or receiver at the time said part is completed.

Part J—Other Laws

1. The provisions of these rules and regulations are in addition to, and are not in lieu of, any other provision of law, or regulations respecting firearms.

2. Where appropriate, any records, documents or procedures utilized or maintained pursuant to other laws or regulations, may be used to satisfy the various requirements of these rules and regulations.

Town of Orangetown

Section 15-78. Permits Required. A. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of * * * small-arms ammunition.

Thomaston

Ordinance 22

Second: No person, firm or corporation shall sell, expose for sale or give away any loaded cartridges, blank cartridges, caps, percussion caps, fuse or electric blasting caps, dynamite, fire-crackers or other fireworks or any other explosive materials of any description without first obtaining a permit from the Village Board of the Village of Thomaston.

* * * * *

Utica

16-4. Fireworks, firearms, pyrotechnics. (a) Definitions. (2) "Small arms ammunition" whenever used in this section, shall be held to mean any shotgun, rifle, pistol, or revolver cartridges.

(b) Sale, manufacture, delivery, use. No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of, or discharge any firearms except as provided in the Penal Code, nor any pyrotechnics or small arms ammunition within the city without permission from the common council or written permission from the commissioner of public safety, or the mayor.

White Plains

11.10—Definitions. "Small Arms Ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. * * *

11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of White Plains.

11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small arms ammunition without first having obtained a permit therefor from the Commissioner. * * *

North Carolina

State Law

The Gen. Stat. of N.C.

14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions. (a) Except as otherwise provided in this section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This section does not apply to:

(1) Persons exempted from the provisions of Sec. 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses.

(3) Persons under contract with the United

States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts.

(4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes:

(1) Any explosive, incendiary, poison gas or radioactive material:

a. Bomb; or

b. Grenade; or

c. Rocket having a propellant charge of more than four ounces; or

d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or

e. Mine; or

f. Device similar to any of the devices described above; or

(2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or

(3) Any semiautomatic firearm capable of firing 31 rounds or more without reloading, any firearm capable of fully automatic fire, any shotgun with a barrel of less than 18 inches in length or an overall length of less than 26 inches; or

(4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled. * * * The term "weapon of mass death and destruction" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with chapter 44 of Title 18 of the United States Code.

* * * * *

Sec. 14-315. Selling or giving weapons to minors. If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, * * * he shall be guilty of a misdemeanor.

Sec. 14-401.6. Unlawful to possess, etc., tear gas except for certain purposes. It shall be unlawful for any person, firm, corporation or association to possess, use, store, sell or transport within the State of North Carolina, any form of that type of gas generally known as "tear gas," or any container or device for holding or releasing the same; provided, the provisions of this section shall not apply to the possession, use, storage, sale or transportation of such gas by or for any of the armed services of the United States or of this State, or by or for any governmental agency, or municipal and State peace officers of this State or for bona fide scientific, educational or industrial purposes, or for use in safes, vaults and depositories as a means of protection against robbery.

Any person, firm, corporation or association violating any provision of this section shall be guilty of a misdemeanor * * *.

Article 52A.

Sale of Weapons in Certain Counties.

Sec. 14.402. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, * * *.

"Antique firearm" as defined by G.S. 14-409.11, and "historic edged weapon" as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section.

[Per 14-404, "nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms."]

Sec. 14-407.1. Sale of blank cartridge pistols. The provisions of G.S. 14-402 and G.S. 14-405 to 14-407 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form: [form deleted]

Sec. 14-409. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Article 53.

Sale of Weapons in Certain Other Counties.

Sec. 14-409.1. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the superior court of the county in which such purchase, sale or transfer is intended to be made, any pistol, * * *.

[Per 14-409.3, "nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms."]

Sec. 14-409.7. Sale of blank cartridge pistols. The provisions of G. S. 14-409.1 and G. S. 14-409.4 to 14-409.6 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the [format required by State law, as set forth in 14-409.7.]

Sec. 14-409.9. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the clerk of the superior court of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the clerk of the superior court of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor * * *.

Sec. 14-409.10. Purchase of rifles and shotguns out of State. It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

Sec. 14-409.11. "Antique firearm" defined. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 14-415.1. Possession of firearms, etc., by felon prohibited. (a) It shall be unlawful for any person who has been convicted of any crime set out in subsection (b) of this section to purchase, own, possess, or have in his custody, care, or control any handgun or other firearm with a barrel length of less than 18 inches or an overall length of less than 26 inches, or any weapon of mass death and destruction as defined in G.S. 14-288.8(c), within five years from the date of such conviction, or the unconditional discharge from a correctional institution, or termination of a suspended sentence, probation, or parole upon such conviction, whichever is later.

Every person violating the provisions of this section shall be guilty of a felony * * *.

Sec. 14-415.2. Exemption where citizenship restored. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of G.S. 14-415.1

Sec. 105-80. Dealers in pistols, etc. (a) Every person, firm, or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities enumerated in this section, shall apply for and obtain a State license from the Commissioner of Revenue for the privilege of conducting such business * * *.

* * * * *

Ahoskie

Section 8-22. Firebombs (a) Definitions. For the purposes of this Section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebombs" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) Prohibited Acts. No person or persons shall manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) Possession of Materials Restricted. No person or group of persons shall possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Chapel Hill

Sec. 11-7. Firebombs, "Molotov cocktails"—Defined. For the purposes of sections 11-7 through 11-9, the following terms shall have the meanings herein ascribed:

Firebomb is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Molotov cocktail is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Sec. 11-8. Same—Use, manufacture, possession, transport prohibited. It shall be unlawful for any person to manufacture, possess, transport or use any Molotov cocktail or other firebomb.

Sec. 11-9. Same—Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other firebombs, other than on his or their premises.

Charlotte

11-18(246a). Pistols, dealers in pistols, etc. License required of dealers in pistols and/or metallic pistol cartridges or cartridges used in pistols.

Elizabeth City

6-3.1. Public safety. I: It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business.

II: A new section shall be added to such ordinance, designated as Section III.1, reading as follows: All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed merchant to

engage in the sale of pistols without being first licensed in accordance with the above provisions.

Franklinton

Section 1. Definitions: For the purpose of this ordinance, the following terms shall have the meanings herein ascribed:

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty it contents, which is filled with an inflammable fluid substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Section 2. Prohibited Acts. It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov Cocktail or other firebomb.

Section 3. Possession of Materials Restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

High Point

Licenses

(131) Weapons, Dealer in. (Every person who is engaged in the business of keeping in stock, selling, and/or offering for sale any pistols, blank cartridge pistols, or metallic cartridges, must apply for and obtain from the city collector a license and pay the required tax)

Lenoir

Sec. 10-15.1. Fire bombs, Molotov Cocktails, etc. (a) Definitions. For the purposes of this section the following terms shall have the meanings herein ascribed:

(1) Firebomb. Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) Molotov Cocktail. Any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, filled with inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs other than on his or their premises.

Micro

Ordinance 22

* * * * *

Section 1 Any person having in his possession any Molotov cocktail or other fire bombs of any kind or material for manufacturing any fire bomb shall be subject to a fine *** or confinement.

* * * * *

New Bern

Sec. 15-5. Possession of incendiary devices and materials. (a) For the purposes of this section, the following terms shall have the meanings ascribed to them:

(1) Firebomb shall mean any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) Molotov cocktail shall mean any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) It shall be unlawful for any person to manufacture, possess, transport or use any molotov cocktail or other firebomb.

(c) It shall be unlawful for any person to possess all the items or materials needed to manufacture molotov cocktails or other firebombs, other than on his premises.

Newton Grove

Section 11.15. Fire bombs prohibited. (a) For the purpose of this section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

Ocean Isle Beach

Now, therefore, be it further resolved that the following gun control law be adopted by the Town Council of the Town of Ocean Isle Beach.

(a) No person with the exception of a law enforcement officer shall have in his possession either concealed or otherwise, a firearm, by way of illustration and not by way of limitation specifically including shotgun, rifle, handgun, sawed-off shotgun, or any other like firearm in any public place within the Town limits of the Town of Ocean Isle Beach.

* * * * *

Pineville

Sec. 16-41. Definitions. For the purpose of this division, the following terms shall have the meanings herein ascribed:

Firebomb. Any type of object designed or constructed so that upon being propelled, it will explode or ignite at its area of impact.

Molotov Cocktail. Any breakable container or any container which is designed in such a manner that upon being propelled, it will upon impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Sec. 16-42. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Sec. 16-43. Possession of materials restricted. It shall be unlawful for any person to possess all the items of materials needed to manufacture Molotov Cocktails or other firebombs, other than on his own premises.

Shelby

(1) "Molotov cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Fire bomb" is defined as any type of object designed or constructed so that upon

being propelled it will explode or ignite its area of impact.

(b) Manufacture, possession, transportation, or use. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov cocktail or other fire bomb.

(c) Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other fire bombs, other than on his or their premises.

Snow Hill

Offenses and Miscellaneous Provisions

* * * * *

Sec. 14-22. Molotov cocktails and other firebombs—Prohibited. It shall be unlawful for any person to manufacture, possess, or transport or use any Molotov cocktail or other firebomb.

Sec. 14-23. Same—Definitions. For the purpose of this chapter, the following terms shall have the meanings herein ascribed:

Molotov Cocktail is defined as any breakable container which is designed in such a manner that upon being propelled it will on impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Firebomb is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

* * * * *

Southern Pines

Sec. 9-21. Definitions. For the purposes of this article, the following terms shall have the meanings herein ascribed:

(a) Molotov Cocktail. "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) Firebomb. "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Sec. 9-22. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Star

Section 11.17. Fire bombs prohibited. (a) For the purpose of this Section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Warsaw

Section 8—6005. Firebombs prohibited (1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Williamston

Sec. 18-6. Molotov cocktails—Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Firebomb. Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Molotov cocktail. Any breakable container or any container, filled with a flammable fluid or substance and fitted with a fuse or wick which is designed in such a manner that upon being propelled it will at impact empty its contents.

Sec. 18-7. Same—Manufacture, possession, etc., unlawful. It shall be unlawful for any person or persons to manufacture, possess or transport any Molotov cocktail or other firebomb.

Sec. 18-8. Same—Possession of materials used to manufacture. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other firebombs, other than on his or their premises.

North Dakota

State Law

N. D. Century Code

62-01-01. "Pistol" defined. "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-04. Who not to possess pistols. The following persons shall not own a pistol or have one in their possession or under their control:

1. A person who has been convicted anywhere within the last ten years of any of the crimes of murder, manslaughter, robbery, burglary, kidnaping, arson, extortion, mayhem, forcible rape, unlawful entry, and any assault except simple assault and battery or any other crime involving the use of or possession of a pistol.

2. A person who is under the age of seventeen years or who is a drug addict, an alcoholic, or who is emotionally unstable.

62-01-06. License to carry weapon—Who may issue. A license to carry a pistol within this state may be issued by a sheriff upon application submitted to the sheriff of the county wherein the applicant has residence. If the applicant is a resident of a city within such county, the sheriff shall immediately notify in writing the chief of police of that city regarding the application. The chief of police of that city shall inform the sheriff in writing of his rejection or approval of the application.

62-01-09. Regulation of sales of pistols. No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must

sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol, the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol.

This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

* * * * *

62-01-11. Selling pistol to minors prohibited—Penalty. Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a class A misdemeanor.

62-01-12. Prohibited transfers. No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than thirty days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-13. Dealer's license required. Before any retail dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol, he must be licensed by the federal government and, in cities requiring such license, by the duly constituted licensing authorities of such city.

62-01-14. Dealer's licenses—By whom granted and conditions thereof Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture: * * * 4. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, and the name, address, and occupation of the purchaser. * * *

62-01-19. Antique pistols. This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old.

* * * * *

62-02-01. Definitions. The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, 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 weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. License required. No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-04. License—Application—Who issues. An application for a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases shall be made to the judge of the district court of the county in which the applicant is a resident.

* * * * *

62-02-07. Persons exempt from provisions of this chapter. The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

62-04-01. Use and sale of "silencer" prohibited—Penalty. Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a class A misdemeanor. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62-05-02. Resident may purchase rifle or shotgun in contiguous state. It shall be lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport such rifle or shotgun into this state.

62-05-03. Federal firearms licensees—Not applicable to. This chapter shall not apply or be construed to affect in any way the purchase, receipt, or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers, or collectors.

Barney

* * * * *

3-106 Manfacture, Use or Sale of Certain Firearms * * * Prohibited No person shall manufacture, use, sell, offer for sale, or keep any blank cartridge pistols, blank cartridges, revolvers, or other blank cartridge firearms, * * *. The sale or use of such of these items as are not prohibited by state law will be permitted under such rules and regulations as the Village Board may establish.

* * * * *

Bowman

4.0401 Firearms not to be Furnished to Minors. It shall be unlawful for any person, firm, or corporation to sell or rent firearms to minors within the limits of this City.

* * * * *

Burlington

3. Weapons * * * e. Sales to intoxicated persons and minors. (It is unlawful to) Purchase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

f. Records required. Every second-hand dealer, pawnbroker, or other person engaged in the sale, rental or exchange of any weapons described in sub-sections (a) and (d) above shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail.

f.1. Time of recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, (contact local authorities for required contents) * * *

f.2. Report to chief of police. Every second-hand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in subsections (a) and (d) above shall deliver daily reports to the Chief of Police of every such purchase, sale, loan, or gift. The report shall be on forms provided by the Chief of Police and shall set forth the name in full, the residence, age and physical description.

* * * * *

Fargo

25-2701. "Pistol" defined. The term "pistol" as used in this article means any firearm having a barrel less than twelve inches long.

25-2702. License to sell pistols required—Expiration of license. No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25-2705. Regulation of sales of pistols by dealer or individuals. No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate [contact local authorities for required contents.] * * * * *

Grafton

Ordinance 135.

Section 1. Definitions: 1. Retail Dealer shall be any person, firm or corporation purchasing pistols for resale.

2. Pistols shall be any firearm having a barrel less than twelve (12) inches long.

3. Purchaser shall be any person, firm or corporation obtaining a pistol either by purchase or gift, or by any other means, from a retail dealer.

Section 2. No retail dealer in pistols shall sell a pistol within the City limits of the City of Grafton before he has obtained a license from the City.

Section 3. Any license issued in accordance with this Ordinance shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture; * * * * *

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller, or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol issued in his name; nor

d. Unless the Chief of Police shall have been notified at least twenty-four (24) hours before delivery of a pistol of the name of the prospective purchaser and the caliber of the pistol intended to be sold.

4. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [contact local authorities for required contents] * * *

Hatton

This municipality has adopted North Dakota State firearms laws.

Jamestown

* * * * *

Sec. 22-47. Weapons—Possession by minors under fifteen. No parent, guardian or other person having charge or custody of any minor child under fifteen years of age shall permit such child to carry or use in public any gun or firearm of any description, except when such child is in the company and under the direct control of such parent, guardian, or other person authorized by the parent or guardian.

* * * * *

Lansford

Section 14-13. Weapons. * * * 4. Sales to Intoxicated Persons and Minors. [No person shall] purchase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Section 14-14. Display and Sale of Specified Weapons. No pawnbroker, second-hand dealer or other person engaged in business in the City shall display or place on exhibition in any show window or other window facing upon any street, any pistol, revolver, or other firearm, with barrel less than twelve (12) inches in length * * *.

Section 14-15. Records Required. Every second-hand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in sub-sections (1) and (2) above shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail.

1. Time of Recordation. The record herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include [all required information. Contact local authorities for details] * * *

Mandan

7-0225. Sale of Weapons to Intoxicated Persons and Minors. No person in the city shall purchase from, or sell, loan, or furnish any weapon in which explosive substances can be used [to any person in an intoxicated state or to any minor] * * *

7-0226. Records of Weapon Sales Required. Every second-hand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in sections 7-0219 and 7-0224 above shall keep a record of each such weapon purchased, sold, rented or exchanged at retail. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include (those entries required by local authorities; contact them for information on record requirements listed in 7-0226) * * * Every second-hand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in Sections 7-0219 and 7-0224 above shall deliver daily reports to the chief of police of every such purchase, sale, loan or gift.

* * * * *

Mclean County

This municipality has adopted North Dakota State firearms laws.

Minot

Sec. 23-124. Sales to intoxicated persons and minors. No person in the city shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

Stanton

Section 16-0703 The following persons shall not own a pistol or have one in their possession or under their control within the jurisdictional limits of the City of Stanton; 1. Any person who has been convicted anywhere within the last ten years of any crime classified as a felony; 2. A person who is under the age of 17 years, or who is a drug addict, an alcoholic, or who is emotionally unstable.

Surrey

This municipality has adopted North Dakota State firearms laws.

Valley City

8-9. Pistol defined. The term "pistol" means any firearm having a barrel less than twelve inches long.

8-11. License—Required; term. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol without first obtaining a license as provided in this article. All licenses granted under the provisions of this article shall expire at the expiration of one year from the date of issue.

8-12. Same—Qualifications. No person may obtain a retail dealer's pistol license within the city without first being licensed by the federal government to sell pistols and exhibiting such federal license to the city auditor, and unless the applicant is a resident of the city.

8-13. Same—Conditions of issuance. * * *
(c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol

Velva

14-13 4. Sales to Intoxicated Persons and Minors. Purchase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

* * * * *

Washburn

This municipality has adopted North Dakota State firearms laws.

Northern Marianas

63 Trust Territory Code

Weapons Control Act

Sec. 551. Short title. This Subchapter is known and may be cited as the Trust Territory Weapons Control Act.

Sec. 552. Firearms and dangerous devices prohibited. No person shall manufacture, purchase, sell, possess or carry any firearm, dangerous device or ammunition other than as hereinafter provided.

Sec. 553. Subchapter not applicable. This Subchapter shall not apply to:

(1) Law enforcement officers while engaged on official duty except to the extent that particular provisions of this Subchapter are expressly made applicable to them.

(2) Firearms which are in unservicable condition and which are incapable of being fired or discharged and which are kept as curios, ornaments or for their historical significance or value.

(3) Weapons or other dangerous devices which are not firearms and which are kept as ornaments, curios, or objects of historical or archeological interest: provided that the article or articles referred to herein are kept or displayed only in private homes, museums, or in connection with public exhibitions.

(4) Persons in the armed forces of the United States, whenever such persons are engaged on official duty except to the extent that particular provisions of this Subchapter are expressly made applicable to them.

(5) Persons designated by the Attorney General as crocodile hunters; PROVIDED, HOWEVER, that not more than one person shall be so designated at any one time; AND PROVIDED FURTHER that the Attorney General shall by regulation limit the size and type of weapons which may be used by such crocodile hunter.

Sec. 554. Definitions.

(1) "Firearm" means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to guns, except a device designed or redesigned for use solely as a signaling, linethrowing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air.

(2) "Dangerous device" means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, or any instrument designed or redesigned for use as a weapon.

(3) "Handgun" means a pistol or revolver with an overall length of less than twenty-six inches.

(4) "Long gun" means a rifle with one or more barrels more than eighteen inches in length.

(5) "Gun" means a handgun or long gun.

(6) "Transfer" means sale, gift, purchase or any other means by which ownership or temporary rights of use and control are conveyed or shifted from one person to another.

(7) "Carry" means having on one's person or in a motor vehicle or other conveyance.

(8) "Automatic Weapon" means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle, by one continued movement of the trigger or firing mechanism.

(9) "Semi-automatic Weapon" means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle by a like number of movements of the trigger or firing mechanism without recocking or resetting the trigger or firing mechanism.

(10) "Person" means any natural person, corporation, partnership, or other business entity.

Sec. 555. Identification cards.

(1) No person shall acquire or possess any firearm, dangerous device or ammunition unless he holds an identification card issued pursuant to this Subchapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition.

Sec. 556. Purchase, possession and use of firearms, dangerous devices, and ammunition. No person shall purchase, possess or use a firearm, dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this Subchapter evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device or ammunition. Such person shall be at least twenty-one years of age.

* * * * *

Sec. 558. New residents and visitors—Temporary residents of the Trust Territory. Visitors, new residents, and temporary residents in the Trust Territory shall not import, transport, purchase, use or possess any firearm, dangerous device or ammunition in the Trust Territory without an identification card issued pursuant to this Subchapter. Any person who possesses any firearms, dangerous device, or ammunition shall, before or immediately upon his entrance into the Trust Territory, turn it in to the Attorney General's Office or the Chief of Police of any district of the Trust Territory. Such firearm, dangerous device or ammunition shall be returned to such person upon his being issued an identification card pursuant to the provisions of this Subchapter or upon his departure from the Trust Territory.

Sec. 559. Law enforcement officers.

(1) Possession, use and carriage of firearms, ammunition and dangerous devices by law enforcement officers derives from the laws governing the powers, functions and organization of the police and other organized

forces of peace officers. Eligibility of law enforcement officers to possess, use and carry firearms, ammunition or dangerous devices while on duty is not subject to the holding of identification cards or any other qualifications prescribed in this Subchapter or in regulations pursuant thereto.

(2) Transfer of any firearm from or to a law enforcement officer or agency shall, except as provided in Subsection (1) of this section, be subject to the provisions of this Subchapter and regulations made pursuant thereto.

(3) The head of a law enforcement agency of the Trust Territory or any subdivision thereof shall furnish to the Office of the Attorney General the names, addresses, ranks and badge numbers or similar identification of each person on his force who is authorized to possess, use and carry firearms in the course of his official duty. Upon the occurrence of any changes in personnel to whom this subsection applies, the head of the law enforcement agency shall inform the Office of the Attorney General promptly of the change.

(4) Whenever a law enforcement officer is not engaged on official duties, this Subchapter shall be applicable to him in the same manner and to the same extent as to any other person.

Sec. 560. Transfer of firearms and dangerous weapons.

(1) No dealer, manufacturer or wholesaler shall transfer firearms, dangerous devices or ammunition except pursuant to a license therefor as provided in this section.

(2) Any person, firm, corporation, association or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail shall apply for a dealer's license. The application shall be on a form approved by the Office of the Attorney General and shall contain the following information:

* * * * *

Sec. 563. Records.

(1) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with the name and address of the person from whom received, and the manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of such person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the Office of the Attorney General and his duly designated representatives. Such records shall be retained at least 5 years.

(2) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within twenty-four hours of the transfer, supply the following information to the Office of the Attorney General on a form approved by it.

(a) The name, address and license number of the dealer.

(b) The manufacturer, type and serial number of firearm or dangerous device transferred. No firearm shall be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered.

(c) The name, address and identification card number of the transferee.

Sec. 564. Repair.

(1) No person, other than a dealer or manufacturer licensed pursuant to this act, shall repair firearms or accept the same for repair.

(2) No person shall accept any firearms for repair, unless he is shown an identification card evidencing eligibility of the holder to possess and use a firearm of the type offered for repair. Prior to returning any such firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to 63 TTC Sec. 563, and shall maintain such record for at least 1 year.

(3) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by the owner thereof.

Sec. 565. Ammunition.

(1) No person may transfer ammunition, unless he is a manufacturer, wholesaler or dealer, licensed pursuant to this Subchapter. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferor has ascertained that the transferee is the holder of an identification card evidencing eligibility to possess and use a firearm of the type for which the ammunition is suited. Upon transfer the transferor shall record the quantity, type and caliber or gauge transferred, the name and address of the transferee and the number of the transferee's identification card.

(2) No transferee of ammunition shall transfer it to any person other than a dealer licensed pursuant to this Subchapter. Upon receipt of ammunition, the dealer shall make and keep all records with respect to the ammunition in the manner required by this Section for ammunition sold by him.

Sec. 566. Private sale or transfer. No person other than a manufacturer, wholesaler or dealer licensed pursuant to this Subchapter shall transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this Subchapter. Prior to any such transfer, the transferor shall furnish to the Office of the Attorney General in person or by registered or certified mail, return receipt requested, a properly completed form approved by the Office of the Attorney General providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device.

Sec. 567. Security transactions.

(1) No person, other than a licensed dealer, shall receive a firearm as a pledge or pawn, or in any other manner as security.

(2) A dealer receiving a firearm as a pledge, pawn, or otherwise as security, shall record promptly the date of receipt; the full description of the item or items received, including the manufacturer, type and serial number or numbers, if any; the name and address of the person making the pledge, pawn, or other deposit as security; and the number of said person's identification card. No dealer shall accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved.

(3) Upon the return or other disposition of the firearm in his possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the firearm was returned or disposed. No firearm shall be returned or disposed of to any person who, at the time of such return or disposition, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the firearm involved.

Sec. 568. Manufacturers and wholesalers.

(1) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:

(a) He is the holder of a dealer's license issued pursuant to 63 TTC Sec. 561; or

(b) He is the holder of a license issued pursuant to this section.

(2) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, and not the holder of a dealer's license, shall make application for a manufacturer's or wholesaler's license. Such application shall contain the same information required for a dealer's license, and any additional information required by the Attorney General as may be appropriate to administer this Subchapter. No manufacturer's license or wholesaler's license shall authorize transfer or delivery within the Trust Territory except to a licensed dealer, manufacturer or wholesaler or to a political subdivision of the Trust Territory or, subject to applicable laws of the Trust Territory, for export.

(3) The Office of the Attorney General shall issue, renew, cancel, deny, suspend and revoke manufacturers' and wholesalers' licenses on the same terms and subject to the same conditions as provided for dealers' licenses.

(4) Every manufacturer shall assign a unique serial number to each firearm manu-

factured by him and shall inscribe such number in or on the firearm in such manner as will resist removal, alteration, defacement or obliteration. The Office of the Attorney General may make regulations for the style of such serial numbers and for the manner of their inscription.

Sec. 569. Registry of firearms and ammunition.

(1) The Office of the Attorney General shall maintain a registry of firearms. The records in the registry shall be kept permanently unless there is a record of the destruction of the gun.

(2) Records kept in the registry shall include all records required to be filed with the Office of the Attorney General pursuant to this Subchapter, copies of all records filed with an agency or officer of local government pursuant to this Subchapter, and any records deposited with the Office of the Attorney General pursuant to Subsection (3) of this Section.

(3) Any dealer, manufacturer or wholesaler licensed pursuant to this Subchapter, upon his discontinuance of the licensed business or activity, shall transmit all records kept by him pursuant to this Subchapter to the Office of the Attorney General. * * *

Sec. 570. Cancellation, denial, suspension and revocation of licenses.

(1) Any license issued pursuant to this Subchapter shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder's discontinuing the manufacturing, selling, acquisition for sale or repair of firearms and the sale of ammunition.

(2) The issuing officer or agency may deny, suspend or revoke an identification card or a license issued pursuant to this Subchapter for failure of the applicant or holder to meet or continue to meet any of the requirements for eligibility therefore, or for any violation of this Subchapter or regulations in force pursuant thereto.

Sec. 571. Shipment and delivery of firearms, dangerous devices and ammunition.

(1) No person shall ship, transport or deliver any firearm, dangerous device or ammunition to anyone other than a licensed manufacturer, wholesaler, dealer or person who possesses a valid identification card.

(2) Any person who ships, transports or delivers firearms, dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom such firearms or dangerous devices are to be delivered, the place of origin of the shipment, the number of firearms and dangerous devices of each type and the manufacturer and serial number of each firearm and dangerous device in the shipment.

(3) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing an identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity of ammunition of each type in the shipment.

(4) If shipment is by common carrier, a copy of the invoice required by Subsections (2) and (3) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any said shipment to the district Chief of Police who will verify the accuracy of the shipment, and compliance with this Subchapter, before delivery to the manufacturer, wholesaler, dealer or person possessing an identification card. A copy of the invoice shall be left with the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(5) If shipment is by other than common carrier, a copy of the invoice shall be furnished to the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(6) No person shall ship, transport, or deliver firearms, dangerous devices or ammunition via air without first complying with international regulations pertaining to air shipment of firearms, dangerous devices or ammunition.

Sec. 572. Loss, destruction or theft of firearms or dangerous devices. Whoever owns or possesses a firearm or dangerous device shall within twenty-four hours of discovery, notify the Office of the Attorney General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof.

Sec. 573. Prohibitions. No person shall:

(1) Knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm.

(2) Knowingly deface, alter or destroy an identification card.

(3) Acquire, possess or use any firearm silencer or muffler.

(4) Carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug.

(5) Import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon, rifle larger than .22 caliber, shotgun larger than .410 gauge, or any other firearm.

(6) Board or attempt to board any commercial aircraft while carrying any firearm, dangerous device or ammunition, either on his person or in his luggage. Such firearm, dangerous device or ammunition shall be turned in prior to departure to an appropriate official or to the pilot of the airline or aircraft concerned, who shall keep a record of the name of the person turning in such firearm, dangerous device, or ammunition, and the type and quantity turned in. Upon completion of such person's travel, the official of the airline or pilot of the aircraft shall personally deliver the article or articles turned in to the Police Chief of the district in which such completion took place, or to his delegate. Such person may reobtain the article or articles turned in upon either

(a) Presentation of a valid identification card or license for such article or articles to the police officer having custody thereof, or

(b) departure from the district.

* * * * *

Sec. 576. Guns on effective date of act.

(1) Any person having in his possession a firearm or dangerous device on the effective date of this Subchapter shall, within 90 days of such effective date, furnish on a form approved by the Office of the Attorney General to the agency or officer authorized to receive information concerning the transfer of firearms or dangerous devices pursuant to this Subchapter, equivalent information concerning any firearm or dangerous device in his possession.

* * * * *

Sec. 578. Local laws. Nothing in this Subchapter shall be deemed to prevent any district or municipality from further restricting, by local law or ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. This Subchapter shall supersede all district laws and municipal ordinances in conflict with this Subchapter.

* * * * *

Sec. 580. Fees. The fees for issuance and renewal of licenses and identification cards as required by this Subchapter shall be as follows:

(1) for an identification card, $20;

(2) for a dealer's license, $150;

(3) for a manufacturer's license, $500;

(4) for a wholesaler's license, $500;

(5) for replacement of lost, destroyed, or defaced identification card, $5. * * *

Sec. 581. Penalties. * * * The holder of any dealer's license or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this Subchapter by his employee or agent committed in the course of the dealer's business, to the same extent as such employee or agent.

Ohio

State Law

Ohio Revised Code

2923.11 Definitions. As used in sections 2923.11 to 2923.24 of the Revised Code:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous ordnance" means any of the following, except as provided in division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(K) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (K) (3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A) (4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

2923.13 Having weapons while under disability. (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) Such person is a fugitive from justice;

(2) Such person is under indictment for or has been convicted of any felony of violence, or has been adjudged a juvenile delinquent for commission of any such felony;

(3) Such person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, or has been adjudged a juvenile delinquent for commission of any such offense;

(4) Such person is drug dependent or in danger of drug dependence, or is a chronic alcoholic;

(5) Such person is under adjudication of mental incompetence.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the fourth degree.

2923.14 Relief from disability. (A) Any person who, solely by reason of his disability under division (A) (2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and probation, parole, or partial or conditional pardon granted, or other disposition of each case;

(2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the county prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) The applicant has been fully discharged from imprisonment, probation, and parole, or, if he is under indictment, has been released on bail or recognizance;

(2) The applicant has led a law-abiding life since his discharge or release, and appears likely to continue to do so;

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section:

(1) Applies only with respect to indictments, convictions, or adjudications recited in the application;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3) Does not apply with respect to dangerous ordnance;

(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(5) Is automatically void upon commission by the applicant of any offense embraced by division (A) (2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of such section.

2923.17 Unlawful possession of dangerous ordnance. (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a felony of the fourth degree.

2923.18 License or permit to possess dangerous ordnance. (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

* * * * *

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any non-consumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the state fire marshall a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the local law enforcement authority as required by divisions (A) (4) and (5) of section

2923.20 of the Revised Code. The state fire marshall shall keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

* * * * *

2923.20 Unlawful transactions in weapons. (A) No person shall: (1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section; * * * * *

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of division (A) (1) or (2) of this section is a felony of the third degree. Violation of division * * * (4) of this section is a misdemeanor of the second degree. Violation of division (A) (5) of this section is a misdemeanor of the fourth degree.

2923.21 Improperly furnishing firearms to a minor.

(A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

2923.22 Permitted interstate transactions in firearms. (A) Any resident of Ohio age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or any applicable law of another state or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

(B) Any resident of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or the laws of his domicile or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Ohio.

(C) Any purchase and sale pursuant to this section shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922 (b) (3), and any amendments or additions thereto or reenactments thereof.

Editor's Note

A number of the Ohio municipalities included herein have incorporated portions of the Ohio State law directly into their municipal ordinances. In these instances, the ordinance language is identical to the corresponding portion of the State law.

To avoid undue repetition of State law language, listings for municipalities falling within this category contain only municipal codification references, followed by either the words "same as" or "adopts," and the corresponding State law citations. The reader can then refer to the appropriate portion of the State law.

In the case of Akron, for example, Section 672.01 of the municipal ordinances would contain the same language as Section 2923.11 of the Ohio State law.

Ada

260.01 same as 2923.11
260.05 same as 2923.17
260.07 same as 2923.18
260.09(a)(2) same as 2923.20(A)(4)
260.10 same as 2923.21

Akron

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.

672.13 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of $50.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled.

* * * * *

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of any explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

864.01 Definitions. As used in this chapter:

(a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but does not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

864.02 Possession restricted. (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within the City.

(b) No person under the age of eighteen years shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(c) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subsection (b) hereof.

864.03 Removal of Serial Numbers. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

864.05 Sales, transfers * * * (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued, under the provisions of this chapter, shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

* * * * *

864.09 Obtaining weapons by theft or fraud. No person shall procure or attempt to procure any firearm, regardless of dollar value, by theft, fraud, violence or threat of violence.

864.10(b) same as 2923.20(A) (4).
864.10(c) same as 2923.20(A) (5).
864.11 same as 2923.21(A).

Alliance

549.01same as 2923.11
549.05 same as 2923.17
549.07 same as 2923.18

Section 789. It shall be unlawful for any person to buy, purchase or obtain in exchange any revolver, pistol, * * * without first having obtained a permit from the chief of police to make such purchase or exchange.

Amberley Village

Sec. 134.07. Improperly Furnishing Firearms to a Minor. (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Amelia

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Amherst

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Andover

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.10 same as 2923.21.

Arlington

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a) (3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Ashland

587.01 same as 2923.11.
587.06(A) (2) same as 2923.20(A) (4).
587.06(A) (3) same as 2923.20(A) (5).
587.07 same as 2923.21.

Ashtabula

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

551.01 Definitions. As used in this chapter, certain words are defined as follows:

(a) "Firearm" has the same meaning as defined in Section 549.01(b).

(b) "Pistol" means any firearm with a barrel less than twelve-inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

551.02 Nonserialized Pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

551.03 Manufacturer's and Dealers' Licenses; Fee and Term. Application for a manufacturer's or dealer's license shall be made to the Police Chief on forms prescribed and furnished by the City. [Contact local authorities for requirements.] * * *

Ashville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Athens

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Aurora

672.01 same as 2923.11
672.05 same as 2923.17
672.07 same as 2923.18
672.09(a) (2) same as 2923.20(A) (4)
672.10 same as 2923.21

672.15 (b)License Required. Every firearms dealer in the City shall procure a license to engage in such business. Any firearm dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

Avon

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Avon Lake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Barberton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Bay Village

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Beachwood

626.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City, or his duly authorized agents.

* * * * *

(c) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) "Firearms dealer" means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

626.03 Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition, if such person is a fugitive from justice or is, at that time, under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten years, unless a doctor indicates, in writing, that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug or stimulants as defined by Title 21 of the United States Code, Section 321 (v), known as the Drug Abuse Control Amendments of 1965 effective February 1, 1966.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person or using such firearms or ammunition.

626.05 Identification card required. (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person has been issued a dealer's license pursuant to Section 626.07, or unless such person is exempt from the requirements of an identification card pursuant to Section 626.06.

* * * * *

626.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 626.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either.

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either; members of the organized militia of any state, or the Armed Forces of the United States; or law enforcement officers of any political subdivision to the extent that the official duties of any such persons require them to purchase, own, possess, receive, carry or use handguns.

(3) Licensed dealers of handguns, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of handguns is in the ordinary course of business.

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Sections 626.03 and 626.05, and possess and exhibit upon request, such valid permit, authorization or identification issued by the chief of police or the sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun; * * *

The requirements of a valid permit, authorization or identification as required by this subparagraph shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subparagraph shall be valid for thirty days only from the date thereof.

(5) Nonresidents of the City, moving to the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns and their agents, to the extent that the ownership, possession, receipt or having on or about the person of business and in conformity with the laws of this State or the United States.

(9) Residents of the City who acquire, by purchase or otherwise, a handgun or handguns during a period not exceeding thirty days from such purchase or acquisition.

(b) No person shall purchase, or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 626.05, knowing such claim of exemption to be false.

626.07 Dealer's license. (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

* * * * *

(c) No person, firm or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. * * *

626.11 Further prohibitions; sales; purchases; transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan,

any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 626.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 626.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.06.

* * * * *

Bedford

* * * * *

672.17 Weapons dealers; license required. (a) No person in the City shall sell, transfer, give away or otherwise dispose of any pistol, revolver or other firearm, having a barrel not more than twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, * * * without first securing a license from the Chief of Police.

* * * * *

672.19 Report of gift or sale. (a) Every person who is permitted to deal in the deadly weapons described in Section 672.17 shall make out and deliver to the Chief of Police, once a month on the last day of the month, a legible and correct report of every sale or gift made under authority of such license during the preceding calendar month, which report shall contain the date of such sale or gift, the name of the purchaser or donor, with his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's permit and the purposes given by such person for the purchase of such weapon, which report shall be substantially in the following form: Number of permit; Number of weapon; Name of purchaser; Address of purchaser; Age of purchaser; Kind or description of weapon; For what purpose purchased; Price.

672.21 Limitation on purchase, sale and transfer. (a) No person shall purchase or acquire by gift or transfer any of the weapons mentioned in Section 672.17 who:

(1) Is under twenty-one years of age;

(2) Is a fugitive from justice or is at the time under court adjudication of mental incompetence;

(3) Refuses or neglects to give the necessary information required in any application he is required to prepare;

(4) Has been convicted of the illegal use or possesion of narcotics;

(5) Is, at the time of his application, under the influence of alcohol or any other dangerous drug or narcotic;

(6) Has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect; provided, however, that such person shall have eligibility restored after ten years have elapsed from the date of completion of any sentence, probationary period or parole; or

(7) Has been convicted of more than one misdemeanor involving the use of force and violence or threats of the use of force and violence against another person within one year prior to his application.

(b) It shall be the duty of the seller of the aforesaid weapons, as a condition of his license, to obtain the information required by Section 672.19 in affidavit form and to have such form signed and sworn to before a notary public by the purchaser on three copies, one to be delivered to the purchaser at the time of sale, the second to be delivered to the Chief of Police as required by Section 672.19 and the third to be kept by the seller for a period of not less than six months.

(c) It shall be the duty of the seller of the aforesaid weapons, as a condition of his license, to display a copy of Sections 672.17 through 672.21 in a conspicuous place.

(d) No holder of a license as required by Section 672.17 shall sell one of the weapons named in Section 672.17 without first obtaining the information in proper affidavit form as required herein. Failure to comply with this section shall be grounds for revocation of the license.

(e) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 698.02.

Section 547.14 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of $90.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled and having a gross weight of less than 19 ounces as originally manufactured.

A. Such handguns are hereby declared to be illegal contraband, which may be confiscated and destroyed by the Police Division.

B. Whoever violates the provisions of this section is guilty of a misdemeanor of the first degree.

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of an explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

Bellaire

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Bellbrook

This municipality has adopted Ohio State firearms laws.

Bellefontaine

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Bellevue

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Belpre

Sec. 131.08 Improperly furnishing firearms to a minor. (A) No person shall: (1) Sell any firearm to a person under age 18; (2) Sell any handgun to a person under age

(3) Furnish any firearm to a person under age 18, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Berea

945.01 same as 2923.11.
945.05 same as 2923.17.

945.07(A) (2) same as 2923.20(A) (4).
945.07(A) (3) same as 2923.20(A) (5).
945.08 same as 2923.21.

Berkey

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Bexley

Section 1. License to sell firearms. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, or give away to any person, within the city, any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, nor shall any person, firm or corporation doing business as a pawn broker, sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license so to do as hereinafter provided, and no person, firm or corporation, having secured such a license, shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Mayor to purchase, acquire, redeem or remove such weapon in the manner hereinafter provided.

Section 5. Permit to purchase. It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Mayor a permit so to do. Before any such permit is granted an application in writing shall be made therefor [contact local authorities for required contents] * * *. * * *no recommendation shall be required where the application is by a United States marshal, a sheriff or the chief of police of the city of Bexley, and that in case the application is by deputy United States marshal, or a deputy sheriff, the approval of his chief officer shall be sufficient recommendation, and in case the application is by a regular or special police officer of the city of Bexley, the approval of the chief of police shall be sufficient recommendation, and in case of any of the officers aforesaid the fee provided by section 6 shall not be required.

* * * * *

13-101 same as 2923.11
13-106(A) (2) same as 2923.20(A) (4)
13-107 same as 2923.21

Bloomdale Village

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Blue Ash

Sec. 91.05 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Sec. 91.06 Possession of firearms for instruction purposes. Section 91.05 or any other section of the Revised Code does not prohibit or render it unlawful to possess, use, or furnish for use, a rifle or other suitable firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use, and care of firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and training is sponsored and supervised by an organization or association, which has been and continues to be, approved for this purpose by the adjutant general or provided that said instructor is the parent of the person receiving such instruction.

* * * * *

Bolivar

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Boston Heights Village

549.01 same as 2923.11
549.05 same as 2923.17
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Bowling Green

511.01 same as 2923.11.
511.06(2) same as 2923.20(A) (4).
511.07 same as 2923.21.

Bradner

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Brady Lake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Bremen

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Brewster

73.1 same as 2923.11

73.5 Failure to secure dangerous ordinance. (A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;
* * * * *

73.6 same as 2923.21(A)

Brooklyn

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.

672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Brookville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (4).
672.10 same as 2923.21.

Brunswick

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Bryan

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Burton

512.06(a) (2) same as 2923.20(A) (4).
512.06(a) (3) same as 2923.20(A) (5).
512.07 same as 2923.21.

Cadiz

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Cambridge

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Campbell

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

134.03. Unlawful sale of weapons. (A) No person shall sell to any other person any pistol, revolver or other weapon which may be concealed upon the person without first obtaining a permit from the mayor to sell same.

Canfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Carlisle

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Carrolton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Cecil

Sec. 38:10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale, or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Centerburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Centerville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chagrin Falls

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chardon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chesapeake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Cheviot

134.13 same as 2923.21.

Chillicothe

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Cincinnati

Sec. 708-1. Aliens. No alien shall own or have in his possession or under his control a dangerous weapon.

Sec. 708-3. Minors. No person shall sell, barter, lend or give to a minor under the age of sixteen (16) years, an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, * * * or any other dangerous weapon, and no minor under the age of sixteen (16) years shall buy, barter, hire, borrow, receive or possess an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, * * * or any other dangerous weapon.

Sec. 708-7. Obliterating Identification Marks Prohibited. * * * No person shall keep in his possession or under his control any dangerous weapon upon which the name of the maker, model, manufacturer's number or other mark of identification has been to his knowledge changed, altered, removed or obliterated.

Sec. 708-9. Dealers in Weapons; License Fees. Every retail dealer in firearms, ammunition for firearms, or dangerous weapons, shall pay a license fee of two hundred thirty-four dollars and fifty cents ($234.50) per annum, and such license may be granted by the city manager upon written application of any such dealer. Where a dealer deals only in shotguns and rifles of regulation size manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be the sum of twelve dollars and fifty cents ($12.50). * * *

Sec. 708-11. Restriction on Pawnbrokers. If a dealer licensed under the provisions of Section 708-9 carries on the business of pawnbroker or second-hand dealer, he shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

Sec. 708-13. Form of Application to Purchase Dangerous Weapon. The city manager shall prescribe a form of application covering the purchase of dangerous weapons. * * *

Sec. 708-15. Restriction on Sale of Weapons. No dealer shall sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 708-13. No dealer shall sell such weapon to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person who is personally known to him. * * *

The provisions of this section and of Section 708-13 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve (12) inches in length.

Sec. 708-17. Sale of Pistol Ammunition. No dealer shall sell pistol ammunition to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person with whom he is personally acquainted.

Sec. 708-31. Ammunition, Sale to Minor. No person shall sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons. * * *

Cleveland

Chapter 627

627.01 same as 2923.11

627.06(a)(2) same as 2923.20(A)(4)

627.06(a)(4) Knowingly manufacture, possess, own, receive, purchase, possess for sale, sell, lend, give, acquire or furnish to any person any handgun of a .32 caliber or less and a barrel length less than three inches with such measurement in the revolver type weapon being made between the muzzle in the front edge of the cylinder, and in the automatic and other types of handguns, from the muzzle to the face of the bolt with action or slide closed. This subsection (a)(4) shall not apply to a law enforcement agent in the discharge of his duties, or to firearms described in Ohio R.C. 2923.11 (K)(1) and (5).

627.06(a)(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated.

627.07 same as 2923.21.

* * * * *

Chapter 674

674.01 Definitions. As used in this chapter:

(a) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable handguns which cannot be rendered operable, curios, relics or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

(b) "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns or handgun ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(c) "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

(d) "Nonresident" means any person who does not have a place of residence within the limits of the City of Cleveland.

(e) "Identification card" means a handgun owner's identification card issued pursuant to Section 674.04.

(f) "Registration card" means a handgun registration card issued pursuant to Section 674.05.

* * * * *

674.04 Handgun Owner's Identification Card; Application; Prohibitions.

(a) Application for an identification card shall be made in writing, and shall be accompanied by an application fee of five dollars ($5.00) which shall be paid into the treasury of the City, with a separate accounting made therefor. If it does not appear upon investigation that the applicant is prohibited by this section from being issued an identification card, the Chief of Police shall issue an identification card to the applicant within not less than seven days nor more than sixty days from the date of application.

For the purposes of procuring an identification card, any and all forms and applications required shall be available, and may be filled out at the Central Police Station or any district police station.

(b) All handgun identification cards issued pursuant to this section shall be entitled "City of Cleveland, Ohio, Handgun Owner's Identification Card," be serially numbered according to a system devised by the Chief of Police; bear the date of issue, the date of expiration, the name of the Chief of Police, and the applicant's name, home address, birth date, physical description, and full face photograph; and shall be signed by the holder. A copy of each identification card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall be confidential and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) An identification card shall expire three years after the applicant's birthday next succeeding the date of issuance.

(d) An identification card shall not be issued to:

(1) A person now or hereafter prohibited by Ohio R.C. 2923.13 from purchasing, owning, possessing, receiving, having on or about his person or using any firearm or ammunition;

(2) A person under twenty-one years of age;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one conviction of being drunk and disorderly or driving a motor vehicle while intoxicated, either of which occurs within one year prior to the date of application.

(5) A person who is under indictment for, or who has been convicted of or who has been adjudged a juvenile delinquent for commission of any felony or a violation of subsection (e) hereof.

(6) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within two years prior to application for such identification card.

(e) No person shall knowingly give any false information in making application for an identification card, and no person shall use or attempt to use an identification card to purchase, own, possess, receive, have on or about

his person, or use any handgun, knowing such identification card belongs to another, or knowing it was obtained by means of false information, or when it is void by reason of the holder becoming a member of the class of persons prohibited by subsection (d) hereof from being issued an identification card.

(f) A possessor of an identification card shall become ineligible to possess such a card if he becomes one of that class of persons to whom an identification card cannot be issued pursuant to subsection (d) hereof, and he shall thereupon immediately forfeit such card and return the same to the Chief of Police. Any and all handguns owned by him or in his possession shall be forthwith confiscated and disposed of by the Division of Police as provided in Section 674.03. However, if such person becomes ineligible only because of an indictment referred to in subsection (d)(6) hereof, such handgun and identification and registration cards shall not be disposed of and shall be held for safekeeping pending disposition of the indictment.

674.05 Registration of Handguns; Application; Fee.

(a) Application for a handgun registration card shall be made in writing by the person claiming to be the owner of the handgun to be registered at any office where identification cards may be issued pursuant to Section 674.04. Such application shall be accompanied by an application fee of one dollar ($1.00) for each handgun to be registered, which shall be paid into the treasury of the City, with separate accounting made therefor. Upon being satisfied that the applicant holds a valid identification card and is not in that class of persons prohibited from holding the same, a registration card shall be issued to the applicant within not less than three days and not more than sixty days from the date of application.

(b) All registration cards issued pursuant to this section shall be entitled "City of Cleveland, Ohio, Handgun Registration Card;" be serially numbered according to a system devised by the Chief of Police; bear date of issue, the name of the Chief of Police, the applicant's name, home address, identification card number, the signature of the applicant; and contain the name, type, caliber and serial number of the handgun. A copy of each registration card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) Any person who sells or otherwise transfers possession of a registered handgun shall, within five days of the date of transfer of possession thereof, surrender the registration card for such handgun with the name, address or social security number and identification card number, if required by law, of the buyer endorsed thereon, to any office where identification cards are issued, and obtain a receipt therefor. The office receiving the same shall immediately cancel such registration card.

674.06 Exemptions.

(a) The following shall be exempt from the provisions of this chapter:

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) Any officer or agent of any state of the United States, or any agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry or use handguns and not for the personal use of such individual.

(b) The requirements of an identification card and registration card contained in Sections 674.04 and 674.05 shall not apply to:

(1) A holder of a dealer's license issued pursuant to Section 674.07.

(2) A nonresident of the City who holds and exhibits upon request a valid permit, authorization or identification issued by the chief of police or the sheriff of his place of residence, to purchase, own, possess, receive, carry or use any handgun. It is provided further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition.

(3) A new resident of the City, during a period not exceeding thirty days after he becomes a resident. However, such person shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of his former domicile to own, possess, receive or have on or about the person any handgun, or proof of former residence in a jurisdiction which does not require the same.

(4) An executor, administrator, guardian, receiver, trustee in bankruptcy, or other fiduciary duly qualified and appointed by a court of competent jurisdiction, when acting in his fiduciary capacity, and an attorney for such a person, when such handgun constitutes property of the estate or trust, but not for the personal use by such individual.

(5) The next of kin or legatee of a decedent acquiring a handgun through distribution of an estate, during a period not exceeding thirty days from the date of his coming into possession thereof, but in any event not more than fifteen days after the appointment of an executor, administrator or other fiduciary.

(6) Carriers, warehousemen and others engaged in the business of transportation and/or storage and their employees, to the extent that the possession, receipt or having on or about the person of any handgun is in the ordinary course of business and in conformity with State or Federal laws, but not for the personal use of any such person.

(7) A person owning or possessing any handgun on the effective date of Ordinance 975-A-75 who files an application for an identification card during a period not to exceed 100 days from such effective date, until such application is granted or denied. During any 100 day period, any person required to register a handgun shall cause the handgun to be brought, unloaded and securely wrapped, to the Central Police Station or to a district police station for verification of its type, caliber and serial number.

(8) A Federally licensed manufacturer of handguns.

674.07 Handgun Dealer's License; Fee.

(a) Every dealer in the City shall procure a license to engage in such business. Any dealer engaged in such business at more than one location in the City shall procure a separate license for each such location.

Application for a dealer's license shall be made in writing at the office of the Chief of Police and shall be accompanied by an application fee of five dollars ($5.00), which shall be paid into the City treasury, with a separate accounting made therefor. If it appears upon investigation that the applicant holds a Federal dealer's license, the Chief of Police shall issue a dealer's license to the applicant within not less than seven days nor more than sixty days from the date of application. A copy of each dealer's license shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief.

(b) A dealer's license shall remain in effect for one year or until such time as it is revoked, surrendered or the dealer discontinues business as a dealer. Licenses issued pursuant to the provisions of this section are not transferable.

(c) Notwithstanding the provisions of subsection (a) hereof, no dealer's license shall be issued to any applicant whose dealer's license has been revoked, nor to any applicant who has been convicted of a violation of any provision of this chapter, until the expiration of five years from the effective date of such revocation or five years from the date of conviction. The license issued pursuant to this section shall be prominently displayed by every dealer at his place of business.

(d) Ninety days after the effective date of Ordinance 975-A-75, no person, firm or corporation shall engage in business as a dealer in the City without a dealer's license. Each day of continuing violation of this section shall be deemed a separate offense.

(e) No dealer, or any agent or employee of a dealer shall fail to comply with this section or knowingly cause any false information to be entered on a record of purchase or sale of any handgun. No purchaser of any handgun

shall give any false information for entry on such record of sale.

674.08 License Revocation.

(a) When any licensed dealer has been convicted of a violation of any of the provisions of this chapter, the Chief of Police shall revoke the license of such dealer. A certified copy of the order of revocation shall be sent forthwith to the dealer, who may appeal such order or revocation to the Director of Public Safety within ten days from the receipt of the order. The Director of Public Safety shall conduct a hearing upon such appeal within ten days from the receipt of a written notice of appeal from such order or revocation.

(b) No dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation whose dealer's license has been revoked.

674.09 Handgun Dealer's Records.

(a) Every dealer shall maintain records of the purchase and sale of handguns. Such records shall be maintained on forms prescribed by the Chief of Police; contain the name of the dealer; and identify each handgun by manufacturer, model number or name, type, caliber and serial number. If such weapon is other than a standard model, or has been modified and improved, the record of sale shall give a brief description of the weapon including such information as may be necessary to identify it.

(b) The record of purchase shall also contain the name of the person from whom each handgun was purchased and the serial number of the seller's identification card, if any, and the serial number of the registration card of each handgun, if any.

(c) The record of sales shall also contain the place and date of the sale; the name, address, age and Social Security number of the purchaser; the serial number of the identification card of the purchaser, if any, or if the purchaser is a nonresident of Cleveland who is exempt from the requirement of an identification card pursuant to Section 674.06(b)(2), then such information as is contained in a valid and effective permit, authorization or identification issued at the purchaser's place of residence. The record of the sale shall also include the serial number of the registration card issued to the purchaser with respect to the handgun purchased. In the case of a sale from one dealer to another, the license number of the dealer shall be recorded instead of the serial numbers of the identification card and registration card. The record of any sale required to be made under this section shall be turned over to the Chief within twenty-four hours of the sale.

(d) The Chief shall keep permanent records of all sales and transfers of handguns as required in this chapter, together with all copies of and applications for identification cards and registration cards. Such records shall be kept in such manner as to record all of the handguns in the ownership and/or possession of all persons who have been issued an identification card or registration card. Such records shall not be deemed public records and shall not be disclosed to unauthorized persons.

674.10 Stolen or Lost Handguns; Reports. Whenever any handgun is stolen or lost, the person losing possession thereof shall, immediately upon discovery of such theft or loss, make a report thereof to the Chief of Police showing the following:

(a) Name, address and Social Security number of the person owning or having possession of such handgun;

(b) Kind of handgun;

(c) Serial number of handgun;

(d) Model;

(e) Caliber;

(f) Manufacturer of handgun;

(g) Handgun registration card number, if any;

(h) Date and place of theft or loss;

(i) A complete statement of the facts and circumstances surrounding such theft or loss.

Cleveland Heights

Weapons and Explosives

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Regulation of Firearms

551.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City of Cleveland Heights or his duly authorized agents.

(b) "Encased" means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but does not include a holster for a pistol or revolver.

(c) "Firearm" same as 2923.11(B)

(d) "Handgun" same as 2923.11(C)

(e) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a factual place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

551.03 Prohibitions. (a) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(b) No person shall knowingly sell, transfer, give, deliver, or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

551.05 Owner's identification card required; application, fee and issuance. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 551.06. * * *

(c) All identification cards issued pursuant to this section shall be entitled "City of Cleveland Heights, Ohio, Handgun Owner's Identification Card", [contact local authorities for required contents] * * *.

551.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 551.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either;

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either, members of the organized militia of any state, or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 551.03 or 551.05, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief

of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun. * * *.

(5) Nonresidents of the City moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns, and their agents, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

* * * * *

551.07 Restrictions on sales, purchases and transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 551.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 551.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06. * * *

551.08 Dealer's license required; application and issuance. (a) Every firearms dealer in the City shall procure a license to engage in such business. * * *

Clifton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Clyde

134.03. Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Columbiana

549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Columbus

545.01 License required; purchase permits. It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, * * * or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon as provided by C.C. 545.05.

545.05 Purchase permit applications; exceptions. It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring such permit. The application shall also contain a recommendation for the issuance of a permit from two persons who shall be known to the Director of Public Safety as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxpayers residing within the City; except no recommendation shall be required where the application is by a United States marshal, a sheriff or the Chief of Police of the City.

In case the application is by a deputy United States marshal, or a deputy sheriff, the approval of his chief officer shall be sufficient recommendation. In case the application is by a regular or special police officer of the City, the approval of the Chief of Police shall be sufficient recommendation. The fee provided by C.C. 545.06 shall not be required for any of the officers listed in this section.

Chapter 2323

2323.01 same as 2923.11
2323.05 same as 2923.17

Chapter 2534

2534.01 Definitions. * * * * * (c) "Dangerous Ordnance" means any of the following, except as provided in division (f) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

* * * * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(f) "Dangerous Ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which is of a type in accepted use prior to 1887, has no mechanical hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder.

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (f)(3) of this section during displays, celebrations, organized matches or shoots, and target

practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or deactivated, and which is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921 (A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

* * * * *

2534.11 Records. * * * * * (c) No person shall sell any dangerous ordnance to any person unless that person exhibits a valid certificate of safety as provided by this Chapter. In addition to the information required by division (a) of this section, the seller of dangerous ordnance shall keep a record of the certificate number of the buyer and of the official who issued such certificate. A copy of the record of any sale of dangerous ordnance shall be forwarded at the end of each month to the Fire Prevention Bureau of the City of Columbus.

* * * * *

2534.13 Exceptions. The certification or licensing provisions of this Chapter do not apply to:

(a) Officers, agents or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, law enforcement officers, and members of the Division of Fire to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(b) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970", 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this state and applicable federal law;

(c) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(d) Persons to whom surplus ordnance has been sold, loaned, or given by the Secretary of the Army pursuant to, 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(e) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(f) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law.

* * * * *

Commercial Point

1200.05 Sec. 1 & 2 same as 2923.17(A) & (B).
1200.07 Sec. 1(b) same as 2923.20(A) (4).
1200.07 Sec. 1(c) same as 2923.20(A) (5).
1200.08 Sec. 1 same as 2923.21(A).

Coolville

Sec. 12-106. (A) No person shall: * * * * * (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 12-105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the county or Safety Director or Police Chief of the municipality where the transaction takes place; * * *

Cortland

* * * * *

2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Coshocton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Crestline

Sec. 131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air-gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Crooksville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Cuyahoga Falls

529.06(a) (2) same as 2923.20(A) (4).
529.06(a) (3) same as 2923.20(A) (5).
529.07 same as 2923.21.

Dayton

General Provisions

138.01 same as 2923.11.
138.06(A) (2) same as 2923.20(A) (4).
138.07 same as 2923.21.

Handguns

Sec. 138.10 Definitions. For the purpose of Secs. 138.10 to 138.23, the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "Handgun." Any firearm designed or modified to be fired while being held in one hand and capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellent.

(B) "Possess." To knowingly carry or have a handgun on the person or ready at hand.

(C) "Resident." Any person who has an actual place of residence in the city.

(D) "Nonresident." Any person who does not have an actual place of residence in the city.

Sec. 138.11 Handgun Owner's Identification Card Required.

(A) No person shall possess any handgun, unless such person has a handgun owner's identification card issued to him and in effect under Sec. 138.12, or is exempt from the re-

quirement of an identification card under Sec. 138.22, or is on a suitable firing range.

(B) No person shall sell, deliver, transfer, or furnish any handgun to any person, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee under Sec. 138.12, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card under Sec. 138.22.

(C) No person shall sell, deliver, transfer, or furnish any handgun to any person without first having notified the Director of Finance of his intention to do so not less than 5 days prior thereto. Such notification shall be in writing, and shall contain the name, home address, social security number, and handgun owner's identification card number of the intended transferee. The Director of Finance shall prescribe the form for such notification, and shall make them available upon request therefor.

(D) Every person regularly engaged in the business of selling or trading handguns at wholesale or retail whether as the principal business of such person or in addition thereto, having sold, delivered, or furnished a handgun to any person pursuant to the provisions of division (C) above, shall within 5 days thereafter, furnish to the Director of Finance the details of such transaction, including the name and address of the transferee, his handgun owner's identification card number, and a description of the handgun obtained, including the manufacturer's brand name, the caliber, and serial number.

* * * * *

(G) Whoever violates this section shall be guilty of a misdemeanor of the first degree.

* * * * *

Sec. 138.14 Persons Not Eligible for Handgun Owner's Identification Cards. A handgun owner's identification card shall not be issued to:

(A) Any person who is prohibited by R.C. Sec. 2923.13 from obtaining, possessing, carrying, or using a firearm;

(B) A person with more than one conviction within one year prior to his application for handgun owner's identification card, of any offense involving drunkenness or drug abuse;

(C) A person with a conviction of any offense involving the use of force and violence, or the threat of the use of force and violence, against the person of another.

Sec. 138.22 Persons Exempt. The requirements of a handgun owner's identification card contained in Secs. 138.10 to 138.23 do not apply to the following:

(A) The United States or any state or any political subdivision, or agency of either;

(B) Officers or agents of the United States or any state or any political subdivision, department, or agency, or members of the organized militia of any state, or the Armed Forces of the United States, or any law enforcement officer, to the extent that the official duties of any such person require him to obtain, possess, carry, or use handguns;

(C) Importers, manufacturers, and dealers licensed under Federal law, to the extent that the acquisition, possession, carriage, or use of any handgun is in the ordinary course of business;

(D) Carriers, warehousemen, and others engaged in the business of transporting or storing handguns, and their agents or employees, to the extent that possessing any handgun by such persons is in the ordinary course of business and in conformity with the laws of the State of Ohio or the United States;

(E) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their official capacity; and their attorneys;

(F) Heirs and legatees coming into possession of any handgun through distribution of an estate and other persons other than those persons named in division (E) acquiring any handgun through operation of law, during a period not exceeding 30 days from the date of their coming into possession of such handgun;

(G) Nonresidents of the city moving to the city for the purpose of establishing residence therein, during a period not to exceed 30 days of their entry into the city for such purpose;

(H) Nonresidents of the city who enter the city for a period not to exceed 30 days with a handgun or handguns for the purpose of exhibiting or trading a handgun or handguns at a public handgun display, show, or exhibition. However, the handgun or handguns shall be unloaded at all times and must be kept encased except when at such display, show, or exhibition.

(I) Nonresidents of the city who enter the city for a period not to exceed 30 days for the purpose of participating in an organized and sanctioned handgun match; provided, that any handgun shall be unloaded and encased except while participating in such handgun match.

Sec. 138.23 Nonapplicability of Secs. 138.10 to 138.22. The provisions of Secs. 138:10 to 138.22 shall not apply to the following:

(A) Any handgun which, regardless of its actual age, is designed and safe for use only with black powder, and uses a flintlock, percussion cap, or other obsolete ignition system, or with respect to any handgun which uses fixed ammunition of a type in use prior to 1899, which ammunition is no longer commercially manufactured in the United States and is not readily available in the ordinary channels of trade;

(B) Any device used exclusively for signalling or safety and recommended by the United States Coast Guard or the Interstate Commerce Commission;

(C) Any device used exclusively for firing of stud cartridges, rivets, or nails, and designed for industrial applications;

(D) Any device used exclusively as a starter gun for the purpose of firing blank cartridges as a means of controlling sporting events, or for use in theatrical productions; provided, that such gun is so constructed as not to be readily convertible to the firing of projectiles.

Defiance

138.01 same as 2923.11.
138.06(A) (2) same as 2923.20(4).
138.07 same as 2923.21.

Dover

545.09 same as 2923.17.
545.11(a) (2) same as 2923.20(A) (4).
545.12 same as 2923.21.

Doylestown

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

East Cleveland

545.01 (a) through (k) same as 2923.11.

(l) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(m) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty in effect.

(n) "Resident" means any person who has a factual place of residence within the limits of the City.

(o) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(p) "Minor" means any person under the age of twenty-one years.

545.12. Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammu-

nition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

545.14 Identification card required—registration of handguns required. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section; or unless such person is exempt from the requirements of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

* * * * *

545.15 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 545.14 of the Codified Ordinances of the City of East Cleveland do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(4) Nonresidents of the City of East Cleveland who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Sections 545.12 or 545.14 of the Codified Ordinances of the City of East Cleveland, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff or their place of residence to purchase, own, possess, receive, carry, or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this sub-section shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of East Cleveland, Ohio moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

545.16 Further prohibitions—Sales—Purchases—Transfers. (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 545.14 of the Codified Ordinances of the City of East Cleveland, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 545.14, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(c) No person in this City shall sell, transfer, give away, or otherwise dispose of a handgun to any other person unless, within five (5) days following said sale, transfer, gift, or other dispostion, he shall report same to the Chief of Police of the City of East Cleveland, together with the manufacturer's name of said handgun, the caliber and serial number of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

545.17 Dealers license. (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made to the Chief of Police.

* * * * *

545.26 same as 2923.21(a).

Eastlake

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

East Palestine

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Eaton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Edgerton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Elmwood Place

137.01 same as 2923.11
137.05 same as 2923.17
137.07(a)(2) same as 2923.20(A)(4).
137.08 same as 2923.21.

Elyria

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.
757.01 Permit required for purchases. No person shall purchase in the City any pistol, revolver, *** or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

* * * * *

757.05. Sales to persons without permits. No person shall sell to any person within the City any pistol, revolver * * * or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold presents to such person selling the same a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person makes and files a report of such sale with the Chief of Police * * *.

Enon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Evendale Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.10 same as 2923.21.

Euclid

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Fairfax

Section I. Every dealer in firearms and ammunition for firearms in the business of selling arms to the ultimate user or consumer, shall pay a license fee of $100.00 per annum, payable on the first day of January of each year hereafter, and such license shall be granted by the Chief of Police if he is satisfied that the applicant is of good repute in the conduct of such business, and that the conduct of such business will not be detrimental to the public safety and welfare. Where a dealer deals only in shotguns and rifles of regulation size, manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be $25.00.

* * * * *

Section III. It shall be unlawful for any dealer to sell firearms to any person at retail, unless such person shall fill out and sign an application blank in triplicate, as provided for in Section II, and unless such dealer is either personally acquainted with the purchaser or the purchaser is identified to the dealer by a person acquainted with the dealer and the purchaser.

Fairport Harbor

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Fairview Park

539.01 same as 2923.11.
539.05 same as 2923.17.
539.07(A) (2) same as 2923.20(A) (4).
539.07(A) (3) same as 2923.20(A) (5).
539.08 same as 2923.21.

543.01 Definitions. As used in this chapter: (a) Firearm means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. Firearm includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(b) Handgun means any firearm designed to be fired while being held in one hand. * * *

(d) Firearms dealer means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Fairview Park whether as the principal business of such person, firm or corporation, or in addition thereto.

(e) Fugitive from justice means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty or extradition in effect.

(f) Resident means any person who has a factual place of residence within the limits of the City of Fairview Park, Ohio.

(g) Nonresident means any person who does not have a factual place of residence within the limits of the City of Fairview Park, Ohio.

(h) Minor means any person under the age of eighteen years.

543.03. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a permit to do so, * * * and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon * * *

543.07. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

543.08. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter, or otherwise dispose of any ammunition which is capable of use in any pistol, hand gun, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

Findlay

49.5. No firearms, etc., for minors under seventeen. It shall be unlawful for any person or persons, in the city, to sell, barter, fur-

nish or give to a minor under the age of seventeen years, a resident of the city, an air-gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Flushing

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Forest Park

132.01 same as 2923.11.
132.09 same as 2923.20(A), (3), (4), (5); (B).
132.10 same as 2923.21.

Franklin

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Gahanna

545.01 same as 2923.11.
545.06 same as 2923.20(A) (4) & (5).
545.07 same as 2923.21.

Galion

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Garfield Heights

511.01 same as 2923.11.
511.06 same as 2923.20(A) (4) & (5).
511.07 same as 2923.21.

Garrettsville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Genoa

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Gibsonburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Glenwillow

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Golf Manor

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Grand Rapids

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Grand River

549.01 same as 2923.11
549.05 same as 2923.17
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Granville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Greenfield

140.01 same as 2923.11.
140.06 same as 2923.20(A) (4) & (5).
140.07 same as 2923.21.

Green Springs

38.12 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Greenville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Greenwich

Chapter 529: Minors

529.01 Improperly furnishing firearms to a minor. (A) No person shall: (1) Sell any firearm to a person under eighteen; (2) Sell any handgun to a person under age twenty-one; * * * * *

Chapter 545: Weapons and Explosives

545.01 same as 2923.11
545.06(A)(2) same as 2923.20(A)(4)

Grove City

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Groveport

2323.05 same as 2923.17.

Hamilton

729.01. Record of sale. It shall be unlawful to sell any firearm, * * * unless at the time of such sale the vendor records in a book to be kept for that purpose:

(a) The name and address of the purchaser;
(b) The purpose for which the purchase is made;
(c) The date of such purchase and the hour when such purchase was made;
(d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;
(e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and the color of his eyes, and any other identifying marks or characteristics;
(f) A description of the clothing worn by the purchaser;
(g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and
(h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. Sale to minors. It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

729.04 Dangerous weapons dealers license. A license is hereby required, to be obtained in the manner provided in this code, for every dangerous weapons dealer operating in the City of Hamilton.

1309.01. Identifying marks on weapons. It shall be unlawful to change, alter, remove, or destroy the name of maker, model, manufacturer's number, or other mark of identification or to sell any dangerous weapon, or to keep or have in possession dangerous weapon capable of use, on which any such mark of identification has been changed, altered, removed, or destroyed, to the knowledge of the person having or selling such weapon.

1315.18. Possession of explosive, flammable devices regulated. No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Hicksville

Sec. 138.06(A) (2) same as 2923.20(A) (4).
Sec. 138.06(A) (3) same as 2923.20(A) (5).
Sec. 138.07 same as 2923.21.

Highland Heights

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Hilliard

134.01 same as 2923.11.
134.04 same as 2923.17.

Hilliar Township

See Centerburg Village

Hillsboro

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with section 1533.13 of the Revised Code.

Holland

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Huron

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Independence

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Ironton

545.01 same as 2923.11.
545.05 same as 2923.17.
545.06(b) same as 2923.20(A) (4).
545.06(c) same as 2923.20(A) (5).
545.07 same as 2923.21.

Kent

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(A) (2) same as 2923.20(A) (4).
549.08(A) same as 2923.21(A).

549.13. License to Sell Weapons. (A) No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so as provided in Section 549.14 and no person having secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

(B) No licensed or unlicensed commercial enterprise, or individual, engaged in the sale of weapons described in Subsection (A) hereof shall make available for purchase handguns unless said handgun complies with the following three requirements:

(1) the barrel length shall exceed three (3) inches or the handgun is sold at a price exceeding Eighty ($80.00) dollars;

(2) the barrel, cylinder, slide and frame of the handgun shall be entirely machined and/or investment cast;

(3) the barrel, cylinder, slide and frame of the handgun shall neither melt nor deform at a temperature of less than 800 degrees Fahrenheit.

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. A fine of at least five hundred ($500.00) dollars is mandatory for a violation of this section. Each sale of a handgun in violation of this section is a distinct and separate offense.

549.14. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons mentioned in Section 549.13 shall make application in writing to the Mayor [contact local authorities for required contents] * * *

549.17 Application For Permit To Buy Weapon.

(A) No person shall purchase any deadly weapon, which can be concealed on the person, without first securing from the Chief of Police or Officer In Charge a permit to do so. Before any such permit is granted an application in writing shall be made therefor, [contact local authorities for required contents] * * *

(B) This section does not apply to persons showing proof that they are officers, agents or employees of this or any other state of the United States, or to any other law enforce-

ment officers authorized to carry deadly weapons capable of being concealed on the person, and acting within the scope of their duties, or federally licensed firearms dealers.

(C) Whoever violates subsection (A) is guilty of a misdemeanor of the fourth degree.

549.18 Issuance of Permit to Buy Weapon. The Chief of Police or Officer In Charge shall refuse to issue a permit to purchase any deadly weapon which can be concealed on the person to minors and to all persons convicted of any: (1) Crime of violence; (2) Felony; (3) Violation of Chapter 549, Codified Ordinances of the City of Kent

Kenton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18(A), (B) (1), (C), (D), (E) and (F).
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21A(1), (2) & (3).

Kettering

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Kipton

113-101 same as 2923.11
113-106(A)(2) same as 2923.20(A)(4)
113-107 same as 2923.21

La Grange

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Lakewood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

549.13. License to sell weapons. (a) No person, firm or corporation shall engage in the business of selling, or sell or give away to any person, within the City, any deadly weapon which can be concealed on the person, without securing a license to do so as hereinafter provided, and no person, firm or corporation having secured such a license shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

549.17. Permit to purchase weapons; application. (a) No person shall purchase any deadly weapon which can be concealed on the person without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] * * *

Lancaster

529.03. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

Lima

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Linndale

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Lockbourne

2323.01 same as 2923.11.
2323.05 same as 2923.17.

Lockland

Sec. 136.03 Sale of firearms to minors. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Sec. 114.04 Firearms trade. No pawnbroker or second-hand dealer shall sell, pawn, take in trade, loan money on or deal in firearms.

Lorain

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Loudonville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Loveland

74.8 Sale of firearms to minors. Whoever shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age shall be fined not more than fifty dollars. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with RC 1533.13.

Lowellville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Lyndhurst

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Magnetic Springs

131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, * * *

(a) rifle, shotgun, revolver, pistol, or other firearm, or ammunition thereof, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. * * * * *

Mansfield

13.101 same as 2923.11.
13.106(A) (2) same as 2923.20(A) (4).
13.106(A) (3) same as 2923.20(A) (5).
13.107 same as 2923.21.

Marietta

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Marion

546.01 same as 2923.11.
546.06(A) (2) same as 2923.20(A) (4).
546.07 same as 2923.21.

Martins Ferry

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Marysville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.08 same as 2923.21.

Mason

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Massillion

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.10 same as 2923.21.

Maumee

140.01 same as 2923.11.
140.06(a) (2) same as 2923.20(A) (4).
140.06(a) (3) same as 2923.20(A) (5).
140.07 same as 2923.21.

Mayfield Heights

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

549.13. Sale license, purchase permit required. (a) No person shall sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B-B guns or similar weapons, ammunition or explosives without first securing a license to do so from the Chief of Police, as provided in Section 549.14. No person shall sell any weapon or other article as herein defined, which is concealable on the person, to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon, in the manner provided in Section 549.15.

549.14. License application information; fee and renewal. Any person desiring a license authorizing the sale of any of the weapons or other articles mentioned in Section 549.13, shall make application in writing to the Chief of Police, [contact local authorities for required contents.] * * *

549.15. Permit application information; fee and disposition. (a) No person shall purchase a particular weapon or other article as specified in Section 549.13, concealable on the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made to the Chief of Police [contact local authorities for required contents] * * *. Such application shall be accompanied by a fee of one dollar ($1.00) and upon issuance shall be valid for the purchase of one particular weapon therein described. Such permit shall be given to and collected by the seller, and filed with the City in the seller's report of sales of such weapons.

549.16. License or permit refusal. It shall be the duty of the Chief of Police to refuse a license to engage in the business of selling or a permit to purchase any weapon or other article mentioned in Section 549.13 to any person who has been convicted of any crime other than a traffic offense, to any vagrant, any suspicious person, any minor under the age of eighteen years generally or any person who has violated a provision of this chapter during the preceding year.

McDonald

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Mentor

133.01 same as 2923.20(A) (4) & (5).

Miamisburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Middleburg Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Middlefield

560.01 same as 2923.11.
560.06(a) (2) same as 2923.20(A) (4).
560.06(a) (3) same as 2923.20(A) (5).
560.07 same as 2923.21.

Middletown

13-101 same as 2923.11.
13-106 same as 2923.20(A) (4) & (5).
13-107 same as 2923.21.

993.06 Sale of explosives to minors. It shall be unlawful for any person to sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons.

Millbury

549.01 same as 2923.11.
549.05 same as 2923.17.

549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Millersburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Millville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Mogadore Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Monroe

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Monroeville

545.01 same as 2923.11.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Montezuma

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Montgomery

Chapter 134

134.01(A)(2) same as 2923.20(A)(4)

Chapter 95

95.01 Persons prohibited from owning weapons. No alien or person who has been convicted of a felony shall own or have in his possession or under his control a dangerous weapon.

Montpelier

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Moraine

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Mount Sterling

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Mount Vernon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Navarre

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

New Albany

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

New Athens

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Newburgh Heights

1. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the Village, any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this village who has not secured a permit from the Chief of Police to purchase such weapons in the manner hereinafter provided.

5. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

7. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, hand gun, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

8. Permit to purchase concealable weapons. It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

* * * * *

Ordinance 1975-29

Section 1: Certain Handguns Prohibited. No person shall possess, sell, transfer, give,

deliver or furnish a handgun having a retail value of $90.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled and having a gross weight of less than 19 ounces as orginally manufactured.

A. Such handguns are hereby declared to be illegal contraband, which may be confiscated and destroyed by the Police Division.

B. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of an explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

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New Carlisle

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

New Philadelphia

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Newton Falls

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Niles

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

549.14 Sale of Weapons; License Required (a) No person shall engage in the business of selling or shall sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapons of like character which can be concealed, without first securing a license to do so. * * *.

* * * * *

549.15 Purchase of Weapons; Permit Required. (a) No person shall purchase any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed, without first securing from a Committee, composed of the Chief of Police and the Mayor, a permit to do so.

North Baltimore

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Bend

13-101 same as 2923.11.
13-106(A) (2) same as 2923.20(A) (4).
13-106(A) (3) same as 2923.20(A) (5).
13-107 same as 2923.21.

North Canton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Fairfield

545.01 same as 2923.11.
545.05 same as 2923.17.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Northfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Olmsted

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Randall

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

North Royalton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.15 Sale or gift of concealable firearms. (a) No person shall sell, barter, furnish or give to any other person any pistol, revolver, derringer or other firearm of like character and caliber, which can be concealed on the person, without providing the Chief of Police with a copy of the United States Department of the Treasury Form 4473, at least seventy-two hours prior to such purchaser or donee taking possession of such firearm.

* * * * *

Norwalk

513.01 same as 2923.11.
513.06 same as 2923.20(A) (4) & (5).
513.07 same as 2923.21.

Norwood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oakwood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oberlin

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A) (4).
549.07(a)(3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Obetz

549.01 same as 2923.11.
549.05 same as 2923.17.

549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Olmstead Falls

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Ontario

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18(A), (B) (1), (C), (D), (E), and (F).

672.08. Failure to secure dangerous ordnance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09(a) (2) same as 2923.20(A) (4).
672.10 same as 2923.21.

Orange, Village of

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Orrville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oxford

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Parma

553.08. Sale of explosives, firearms and ammunition to minors. (a) No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

(b) No person shall sell, give, barter or otherwise dispose of any air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, to a minor under the age of seventeen years.

787.01. Definition. As used in this chapter, "person" means individual persons, firms or corporations.

787.02. Sales license and purchase permit required. No person shall engage in the business of selling, or sell or give away to any person, or barter or exchange with any person, within the City, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without securing a license to do so as hereinafter provided. No person, having secured a license, shall sell, give away, barter or exchange any weapon to any person within the City who has not secured a permit from the Director of Public Safety to purchase or otherwise receive such weapon in the manner hereinafter provided.

787.06. Purchase permit: application information. No person shall purchase or receive as donee or as one who barters or exchanges, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. Before any permit is granted, an application in writing shall be made therefor [contact local authorities for required contents] * * *

* * * * *

Parma Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09 (a) (2) same as 2923.20(A) (4).
672.09 (a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Pataskala

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Pepper Pike

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07 (a) (2) same as 2923.20(A) (4).
549.07 (a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Perrysburg

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2933.20(A) (5).
672.10 same as 2923.21.

Pickerington

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Pleasant Hill

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Plymouth

3-74P. * * * * * Section 2: The Ohio Criminal Code as set forth in Chapter 29 of the Ohio Revised Code, together with all amendments thereof shall be and are * * * adopted * * *

Pomeroy

929.06 same as 2923.21.

Port Clinton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Portsmouth

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

705.32. Dealers in firearms and ammunition; * * * All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of ten dollars ($10.00) per annum.

Ravenna

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Reading

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Reminderville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Reynoldsburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Richfield

549.01 same as 2923.11
549.05 same as 2923.17
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Ridgeville

513.01 same as 2923.11.
513.06(a) (2) same as 2923.20(A) (4).
513.06(a) (3) same as 2923.20(A) (5).
513.07 same as 2923.21.

Rittman

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Rocky River

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Rossford

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sandusky

13-106. Unlawful transactions in weapons. (A) No person shall: * * * (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 13-105 of the General Offense Code or 2923.17 of the Ohio Revised Code * * *
13-107(A) (1) same as 2923.21(A) (1).
13-107(A) (2) same as 2923.21(A) (2).
13-107(A) (3) same as 2923.21(A) (3).

Scio

549.01 same as 2023.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sebring

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 923.20(A) (5).
549.08 same as 2923.21.

Seven Hills

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Shadyside

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Shaker Heights

General Offense Code

753.01 Definitions. As used in this chapter:

(A) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(B) "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant but does not include inoperable handguns which cannot be rendered operable, curios, relics, or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce In Firearms.

(C) "Dealer" means any person, firm or corporation engaged in the business of selling or trading firearms or firearm ammunition at wholesale or retail within the limits of the City of Shaker Heights, Ohio, whether as the principal business of such person, firm, or corporation, or in addition thereto.

(D) "Resident" means any person who has a place of residence within the limits of the City of Shaker Heights, Ohio.

(E) "Non-resident" means any person who does not have a place of residence within the limits of the City of Shaker Heights, Ohio.

* * * * *

(G) "Identification Card" means a Handgun Owner's Identification Card issued pursuant to Section 753.04.

(H) "Registration Card" means a Handgun Registration Card issued pursuant to Section 753.05.

* * * * *

753.02 Prohibitions. (A) No person shall sell, purchase, own, possess, transfer, give,

deliver, receive or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; * * *.

(B) No person shall receive, or possess any handgun unless such person has an Identification Card issued to him and in effect and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(C) No person shall have on or about his person, or use any handgun unless such person has in his possession an Identification Card issued to him and in effect, and a Registration Card for each handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(D) No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an Identification Card valid on its face and issued to the transferee, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

* * * * * .

753.06 Exemptions. (A) The following shall be exempt from the provisions of this Chapter except sub-section (A) of Section 753.02.

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) An officer or agent of any state or the United States, or any political subdivision, department, or agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political sub-division, but only to the extent that his official duties require him to purchase, own, possess, receive, carry, or use handguns and not for the personal use of such individuals.

(B) The requirement of an Identification Card and Registration Card contained in Sections 753.04 and 753.05 shall not apply:

(1) To a holder of a dealer's license issued pursuant to Section 753.07.

(2) To a non-resident of the City of Shaker Heights who holds and exhibits upon request a valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of his place of residence to purchase, own, possess, receive, carry, or use any handgun; * * *

(3) To a non-resident of the City of Shaker Heights, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of his entry into this City for such purpose; provided that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of his former domicile to own, possess, receive, or have on or about the person any handgun, or proof of residence in a jurisdiction which does not require the same.

* * * * *

(6) To carriers, warehousemen, and others engaged in the business of transportation and/or storage and their employees to the extent that the possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States, but not for the personal use of any such person.

* * * * *

(8) To a federally licensed manufacturer of handguns.

753.07 Dealer's license (A) Every Dealer in this City shall procure a license to engage in such business. Any Dealer engaged in such business at more than one location in this City shall procure a separate license for each such location. * * * * *

Sharonville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sheffield Lake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.15 Sale and possession of firearms and explosives.

(a) Definitions. As used in this section:

(1) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(2) "Pistol" means any firearm with a barrel less than twelve inches in length.

(3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) Possession Restricted.

(1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm within the City.

(3) No person under the age of twenty-one shall possess a handgun. This subparagraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(c) Nonserialized Pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(d) Sales, Transfers and Displays Regulated.

(1) No manufacturer or dealer, except a manufacturer or dealer having a license issued by the Sheffield Lake Division of Police, shall sell any firearm at wholesale or retail.

(2) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(3) When delivered, all pistols must be securely wrapped and must be unloaded.

(e) False Information Prohibited.

(1) No person, in applying for a license as a manufacturer or dealer, shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (b)(1) and (b)(2) hereof or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

(f) Confiscation and Destruction. Any firearm of any type or explosive of any type sold or possessed in violation of any provision of this section shall be confiscated by the Sheffield Lake Division of Police and destroyed by such Division.

(g) Penalty. Whoever violated any of the provisions of this section is guilty of a misdemeanor of the second degree. Punishment shall be as provided in Section 698.92.

Sheffield Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Shelby

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Shiloh

545.01 same as 2923.11.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Sidney

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Solon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

South Euclid

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.14. License required for sale of weapons. No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon in the manner hereinafter provided.

672.15. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons specified in Section 672.14 shall make application in writing to the Director of Public Safety, [contact local authorities for required information] * * *

672.18. Permit to buy weapon. No person shall purchase or acquire by gift or otherwise any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made therefor to the Chief of Police [contact local authorities for required information] * * *

* * * * *

South Russell Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Springdale

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Springfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

St. Bernard

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

St. Clairsville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Steubenville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Stone Creek Village

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Stow

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.17 Possession and transfer of firearms.

(a) Definitions. As used in this section: (1) "Pistol" means any firearm with a barrel less than twelve inches in length.

(2) "Manufacturer" and "dealer" mean any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(4) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, as listed by the United States Government Justice Department.

(b) Unlawful Possession. (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealths, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm in the City.

(3) No person under the age of eighteen shall possess a pistol. The provisions of this subsection shall not apply to the issue of pistols to members of the Armed Forces of the

United States, active or reserve, the State Militia, or the ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

(c) Manufacturers and Dealers. (1) No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(2) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this section, shall sell any firearm at wholesale or retail within the City.

(3) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, or a member of a subversive organization.

(4) When delivered all firearms must be unloaded.

(5) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subparagraph (b)(3) hereof.

(6) Application for a manufacturer's or dealer's license required by subparagraph (c)(2) hereof shall be made to the Director of Public Safety on forms prescribed and furnished by the City. * * * * *

Streetsboro

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Strongsville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Stryker

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Sugar Grove

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Tallmadge

71.2.2 Sale of firearms to minors. 1. No person shall sell, order, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shot gun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Terrace Park

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Tiffin

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Tipp City

140.01 same as 2923.11.
140.06(A) (2) same as 2923.20(A) (4).
140.06(A) (3) same as 2923.20(A) (5).
140.07 same as 2923.21.

Toledo

17-13-101. Definitions. As used in Sections 17-13-101 to 17-13-124 of the General Offense Code:

A. "Deadly Weapon" same as 2923.11(A).

B. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

C. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

D. "Semi-Automatic Firearm" same as 2923.11(D).

E. "Automatic Firearm" same as 2923.11(E).

F. "Sawed-off Firearm" same as 2923.11(F).

G. "Zip-gun" same as 2923.11(G).

H. "Shotgun" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

I. "Rifle" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned, and made or remade to use 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.

J. "Fixed Place of Business" means an established location of a commercial or industrial enterprise owned, managed, or operated by a person, firm or corporation.

K. "Unencased" means not enclosed in a case, container, or receptacle designed and constructed specifically for the purpose of encasing a firearm, but shall not include a holster for a pistol or revolver.

L. "Loaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which contains a round or rounds of ammunition in the chamber, slide, receiver, barrel, or cylinder, or clip attached thereto.

M. "Unloaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel or projectile or projectiles by the action of expanding gases, which does not contain a round or rounds of ammunition in the chamber, receiver, slide, barrel, cylinder or clip attached thereto.

N. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm or corporation, or in addition thereto.

O. "Fugitive from Justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

P. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

Q. "Non-resident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

R. "Minor" means any person under the age of twenty-one (21) years.

S. "Explosive device" same as 2923.11(H).

T. "Incendiary device" same as 2923.11(I).

U. "Dangerous Ordnance" same as 2923.11(J).

V. "Dangerous ordnance" same as 2923.11(K).

17-13-103. Prohibitions. A. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

B. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug, or drug of abuse.

C. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

D. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17-13-105. Identification Card Required. A. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code. * * *

17-13-106. Exemptions. A. The requirements of a handgun owner's identification card contained in Section 17-13-105 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

1. Any state of the United States, or any political subdivision, department, or agency of either;

2. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

3. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

4. Non-residents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17-13-103 or 17-13-105 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun * * *.

5. Non-residents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

6. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

7. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty (60) days from the date of their coming into possession any handgun.

8. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States. * * * * *

Section 17-13-107. Further Prohibitions. A. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17-13-105 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

B. No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 17-13-105, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

17-13-108. Dealers License. A. Every firearms dealer in this City shall procure a license to engage in such business * * *.

* * * * *

Section 17-13-110. Records. A. Every firearms dealer shall maintain a record of the sale of handguns. Such record of sale shall contain the (information required by the local authorities; contact them for record entries required under Sec. 17-13-110) * * *. Each such record of sale shall be signed by the purchaser and the salesman and no sale shall be made unless such identification card or permit is exhibited by the purchaser. In the instance of sales from a wholesale distributor to a dealer the license number of the dealer shall be recorded in lieu of the aforesaid identification card. (see 17-13-105)

* * * * *

C. No firearms dealer or any agent or employee of such dealer shall fail to comply with this section or knowningly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

D. As used in this section the term "wholesale distributor" shall be an individual, partnership, or corporation, selling only to licensed dealers and not at retail or otherwise to individual consumers.

17-13-120(A) (2) same as 2923.20(A) (4).

17-13-120(A) (3) same as 2923.20(A) (5).

17-13-122 same as 2923.21.

Section 17-13-123, Exceptions. A. The provisions of this Article shall not apply to officers or agents of any State or of the United States, or any political subdivision, division or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to carry, be in possession of, or have on or about his person any such firearm or weapon, nor to a person whose terms of employment require him to carry, possess, or have on or about his person during the hours of his employment such firearm or weapon; nor to the members of a color guard, military unit, or marching unit, while such col-

or guard, military unit, or marching unit is participating in a duly authorized parade, athletic event, funeral, or while so participating in such other civic events and functions in which the flag of the United States is displayed, provided, however, that any firearms borne by members of any such color guard, military unit, or marching unit while so participating in such events shall at all times remain unloaded.

B. Nothing in this Article shall be construed to limit, restrict, or modify the legitimate use of firearms as provided by the laws of the United States, or of the State of Ohio, nor shall it be construed to restrict, limit, prohibit or modify the conduct of legitimate business with manufacturers, wholesale dealers and retail dealers of firearms licensed by the Federal Government, or retail dealers of firearms licensed by the City of Toledo, or with or by persons, firms or coporations engaged in the business of repairing, altering, assembling, cleaning, polishing, engraving, or trueing or who performs any mechanical operation upon any firearm.

Section 17-13-127. Explosive Devices. A. No person shall make, use, or possess on his person or have under his control a Molotov cocktail, or any other explosive device containing a flammable, combustible or explosive material or substance which can be used as a firebomb either by igniting a fuse and/or breaking the device.

B. Persons engaged in a lawful activity, business, calling, employment or occupation are hereby exempt from the operation of this section. * * *

Tremont

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2933.20(A) (4).
540.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Trenton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Trotwood

545.01 same as 2923.11.
545.03 same as 2923.17.
545.07(A) (2) same as 2923.20(A) (4).
545.07(A) (3) same as 2923.20(A) (5).
545.08 same as 2923.21.

545.15 Sale License, Purchase Permit Required (A) No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, * * * ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the Municipality who has not secured a permit from the Chief of Police to purchase such weapons.

* * * * *

545.20 Records of Sales (A) Any person, firm or corporation who shall sell any firearms, * * * or other weapon, ammunition, explosives or fireworks shall make and keep a permanent written record of such sale. Such record shall contain [information required by local authorities; contact them for required contents] * * * and the signature of the purchaser.

Troy

519.01 same as 2923.11.
519.05 same as 2923.17.
519.06(a) (2) same as 2923.20(A) (4).
519.06(a) (3) same as 2923.20(A) (5).
519.07 same as 2923.21.

University Heights

Chapter 626

626.01 Definitions. As used in this chapter:

(a) "Encased" means enclosed in a case, container or receptacle designed and specifically constructed for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(b) "Firearm" means any weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Fugitive from Justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other State, the United States of America or any of its territories or possessions, the District of Columbia or any foreign country.

(d) "Handgun" means any pistol, revolver or other firearm having a barrel not exceeding 12 inches in length, measured by the insertion of a rod into the barrel with the receiver or slide closed, but does not include inoperable handguns which cannot be readily rendered operable, curios, relics or antique handguns as presently or hereinafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

(e) "Minor" means any person under the age of 21 years.

(f) "Nonresident" means any person who does not have a place of residence within the corporate territorial limits of the City of University Heights.

(g) "Pellet Gun" means any item designed to resemble a firearm which is capable of expelling or propelling, by the sudden release of gas or air, one or more projectiles at a speed sufficient to penetrate human tissue.

(h) "Resident" means any person who has a place of residence within the corporate territorial limits of the City of University Heights.

(i) "Restricted Weapon" means any firearm, pellet gun or stun gun for which a Restricted Weapons Owner's Identification Card is required by Section 626.04 of these Codified Ordinances or would be so required but for the exemptions set forth in Section 626.05.

(j) "Stun Gun" means any device designed to transmit charges of electricity in excess of 10,000 volts with a capability, when directed towards a human being, of rendering such person incapable of normal function.

626.02 Prohibitions.

(a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm, pellet gun, stun gun or ammunition if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person or use any firearm, pellet gun, stun gun or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any firearm, pellet gun or stun gun, or ammunition if such person has been convicted of a felony under the laws of this or any other State, the United States or any of its territories or possessions, the District of Columbia or any foreign country. However, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after 10 years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearm, pellet gun, stun gun or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving or having on or about his person or using such item.

(e) Whoever violates any of the provisions of this section shall be fined not more than $1,000 or imprisoned not more than one year,

or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

* * * * *

626.04 Identification card required..

(a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun, pellet gun or stun gun, unless such person has a Restricted Weapons Owner's Identification Card issued to him and applicable to such weapon by reason of a proof of registration form issued pursuant to Section 626.07 of these Codified Ordinances then in effect pursuant to this Chapter, or unless such person is exempt from the requirements of having such identification card pursuant to Section 626.05.

(b) Application for a Restricted Weapons Owner's Identification Card shall be made in writing under oath to the Chief of Police and shall be accompanied by an application fee of $5.00. * * * Such owner's identification card shall not in any manner authorize nor affect the carrying or possession of any weapon contrary to law.

(d) A Restricted Weapons Owner's Identification Card shall not be issued to any person who is:

(1) A person prohibited by Section 626.02 from purchasing, owning, possessing, receiving, having on or about his person or using any firearm or ammunition;

(2) A person under the age of twenty-one (21);

(3) A person convicted of a felony drug abuse offense as defined in RC 2925.01(I), effective 7/1/76, or similar definitions subsequently adopted;

(4) A person with more than one (1) conviction of disorderly conduct involving intoxication within one (1) year prior to his application for such identification card;

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence, against the person of another within one (1) year prior to his application for such identification card;

(6) Any person with a conviction of a felony involving, as an element thereof, the threat or use of force, at any prior time.

* * * * *

(f) No person shall use or attempt to use his Restricted Weapons Owner's Identification Card to obtain any restricted weapon for any person who does not have a Restricted Weapons Owner's Identification Card issued to him and in effect pursuant to this section and is not exempt from the requirement of an identification card pursuant to Section 626.05 and no person shall knowingly permit his identification card to be used by another to purchase, own, possess, receive, have on or about his person or use any restricted weapon or ammunition.

(h) A possessor of an identification card shall become ineligible to possess such a card if he becomes one of that class of persons set forth in subsection (d) hereof. At such time, he shall immediately forfeit such card and return the same to the Chief of Police and shall, within thirty (30) days from the date of forfeiture, dispose of any restricted weapon in his possession pursuant to the provisions of Section 626.06.

(i) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a restricted weapon during his employment within the City, or any nonresident of the City passing through the City who complies with the prerequisites of this chapter, may make application for and obtain a Restricted Weapons Owner's Identification Card pursuant to the provisions of this section.

* * * * *

626.05 Exemptions. (a) The requirement of a Restricted Weapons Owner's Identification Card obtained pursuant to Section 626.04 does not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any restricted weapon or ammunition by:

(1) Any State or of the United States or any political subdivision, department or agency thereof;

(2) Officers or agents of any State or of the United States or any political subdivision, department or agency of either, members of the organized militia of any State or the Armed Forces of the United States, or law enforcement officers of any political subdivision, to the extent that the official duties of any such person requires him to purchase, own, possess, receive, carry or use restricted weapons;

(3) Licensed manufacturers and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any restricted weapon is in the ordinary course of business;

(4) Non residents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Section 626.02 or 626.04 and possess and exhibit upon request such valid permit, authorization or identification issued under the authority of the government of their place of residence to purchase, own, possess, receive, carry or use any restricted weapon and provided, further, that restricted weapons in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for only thirty (30) days from the date thereof;

(5) Nonresidents of the City moving into the City for the purpose of establishing residence herein, during a period not exceeding sixty (60) days from the date of their entry into the City for such purpose, provided that such persons possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any restricted weapon;

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys;

(7) Heirs and legatees acquiring any restricted weapon or ammunition therefor through distribution of an estate, and other persons other than fiduciaries acquiring any restricted weapon through operation of law, during a period not exceeding sixty (60) days from the date of their coming into possession of any restricted weapon;

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, and their agents and servants, to the extent that the ownership, possession, receipt or having on or about the person of any such firearm by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

* * * * *

626.06 Further Prohibitions; Thefts. (a) No person who knows or through the exercise of due diligence should know that a restricted weapon owned or possessed by him has been lost, converted or stolen shall fail to report such fact to the Chief of Police forthwith.

* * *

626.07 Restricted Weapons Registration. The Restricted Weapons Owner's Identification Card issued pursuant to this chapter shall be applicable only to handguns, pellet guns and stun guns specifically listed on the application therefor or on any supplemental application subsequently filed by the card holder. The card itself need not list the items so covered. A listed item shall be identified on such application by type, brand name, caliber and serial number. After filing of the original application, an owner shall file a supplemental application within ten (10) days after the acquisition of any handgun, pellet gun or stun gun, identifying such item in the same manner as on an original application, and upon filing such supplemental application no further approval shall be necessary but such listed item shall be automatically covered by

the Restricted Weapons Owner's Identification Card already issued.

626.08 Proof of Registration. Upon issuance of the original Restricted Weapons Owner's Identification Card and upon filing of any supplemental application thereafter, the Chief of Police shall issue a "Proof of Registration" form for each listed weapon. The Proof of Registration form shall contain the name of the person filing the application and to whom the Restricted Weapons Owner's Identification Card was issued, the date of expiration of the card, and the description of the registered item, including serial number.

Upper Arlington

523.01 same as 2923.11
523.04 same as 2923.17.

Urbana

137.01 same as 2923.11.
137.05 same as 2923.17.
137.07(A)(2) same as 2923.20(A)(4).
137.08 same as 2923.21.

Vermilion

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Wadsworth

529.02. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Wakeman

10-101 same as 2923.11.
10-106(A) (2) same as 2923.20(A) (4).
10-106(A) (3) same as 2923.20(A) (5).
10-107 same as 2923.21.

Walbridge

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Waldo

Section 6: Unlawful Transactions in Weapons. (A) No person shall: * * * * *

2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Article XIV, Section 5 of the General Offense Code or 2923.17 of The Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

Section 7 same as 2923.21.

Walton Hills

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Wapakoneta

137.01 same as 2923.11.
137.05 same as 2923.17.
137.07(A)(2) same as 2923.20(A) (4).
137.08 same as 2923.21.

Warren

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Warrensville

741.01 Permit to dispose of concealable weapons. No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, * * * or other weapon of similar character, which can be concealed on the person, without securing a permit to do so as hereinafter provided. No person having secured such permit shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

* * * * *

741.05 Permit to purchase concealable weapons; application. No person shall purchase any pistol, revolver, * * * or other weapon of similar character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, (which shall contain the information required under 741.05; contact the Chief of Police for assistance) * * *

* * * * *

741.09 Sale of ammunitions; record required. No person shall sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver or other weapon of similar character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it. Such entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition. The means or method of such identification shall be recorded in the book required to be kept hereunder.

* * * * *

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Warrensville Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18(A), (B) (1), (C), (D), (E), and (F).

672.08. Failure to secure dangerous ordnance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09(a) (2) same as 2923.20(A) (4).

672.10 same as 2923.21.

741.01 Permit to Dispose of Concealable Weapons No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, * * * or other weapon of similar character, which can be concealed on the person, without securing a permit to do so as hereinafter provided. No person having secured such permit shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

741.09 Sale of Ammunition; Record Required No person shall sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver or other weapon of similar character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it. Such entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition. The means or method of such identification shall be recorded in the book required to be kept hereunder.

Washington C.H.

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Waterville

510.06. Unlawful transactions in weapons. (A) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 510.05 of the General Offense Code or 2923.17 of the Ohio Revised Code, * * *.

510.07(A) (1) same as 2923.21(A) (1).
510.07(A) (2) same as 2923.21(A) (2).
510.07(A) (3) same as 2923.21(A) (3).

Wellington

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Wellston

131.06. Sale of firearms to minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

West Alexandria

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

West Carrollton

139.01 same as 2923.11.
139.06(A)(2) same as 2923.20(A)(4).
139.07 same as 2923.21.

Westerville

523.01 same as 2923.11.
523.06 same as 2923.17.
523.08 same as 2923.20(A) (4) & (5).
523.09 same as 2923.21.

Westlake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Westfield Center

672.01 same as 2923.11.
672.05 same as 2923.11.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

West Milton

131.06 - Sale of Firearms to Minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen, an * * * rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

(B) This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Weston

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Whitehall

549.01 same as 2923.11
549.05 same as 2923.17

549.07. Unlawful transactions in weapons. (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *.

549.08(a) (1) same as 2923.21(A) (1).
549.08(a) (2) same as 2923.21(A) (2).
549.08(a) (3) same as 2923.21(A) (3).

549.16. Sale or gift of deadly weapons; license required. (A) No person shall sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned without securing a license to do so from the Chief of Police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required by Section 549.17.

549.17. Purchase of deadly weapons; permit required. (A) No person shall purchase, redeem or remove from deposit or pledge any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

Wickliffe

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

549.14 Permit to Sell or Purchase Concealable Weapon Required. (a) Permit Required. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver or similar weapon, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Willard

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Willoughby

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

785.01 License to dispose of concealable weapons. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon * * *.

785.05 Permit to purchase concealable weapons. No person shall purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

Willoughby Hills

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Windham

549.07 same as 2923.20 (A) (4) & (5).
549.08 same as 2923.21.

Wintersville

771-1: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the Village, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

771-2: It shall be unlawful for any person to purchase any pistol, revolver, derringer * * * other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

771-3: It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either of sale or to purchase firearms by any person not a citizen of the United States.

Woodlawn

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Woodsfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Woodville

13-101 same as 2923.11.
13-106(A) (2) same as 2923.20(A) (4).
13-106(A) (3) same as 2923.20(A) (5).
13-107 same as 2923.21.

Wooster

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Worthington

549.01 same as 2923.11.
549.06 same as 2923.20(A) (4) & (5).
549.07 same as 2923.21.

Wyoming

672.01 same as 2923.11.
672.10 same as 2923.17.
672.12 same as 2923.18.
672.14(a) (2) same as 2923.20(A) (4).
672.14(a) (3) same as 2923.20(A) (5).
672.15 same as 2923.21.

Xenia

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Yellow Springs

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Yorkville

774-1. License required. It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell or give away to any person within the Village of

Yorkville, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *, and no person, firm, or corporation having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

774-5. Application for permit by individual to purchase. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

774-7. American citizenship required for sale or purchase of firearms. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either for sale or to purchase firearms by any person not a citizen of the United States.

Youngstown

Sec. 133.04 Possession of firearms by aliens. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the city. * * *

Sec. 133.05 License to sell weapons required. (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the city any pistol, revolver, * * * machine gun, bomb, or other weapon of like character, which can be concealed, without securing a license * * *.

(b) It shall be unlawful for any person whether or not licensed under the provisions of this section, to sell or give away or loan to any person under the age of twenty-one years any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed.

Sec. 133.09 Weapon, purchaser. It shall be unlawful for any person to purchase any weapon mentioned in section 133.05 unless he furnishes to the dealer the information required by section 133.08 (the name of the purchaser or donee with his address and age, and the purpose given by such person for the purchase of the weapon). It shall be unlawful for any person to purchase any weapon for a person under the age of twenty-one or to otherwise give, sell or loan such weapon to a person under the age of twenty-one years.

Zanesville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oklahoma

State Law

Okla. Stat. Ann.
Title 21
Chapter 53—Manufacturing, Selling and Wearing Weapons

Sec. 1272. Carrying weapons—Exceptions. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver * * * or any other offensive weapon, except as in this article provided. Provided further, that this Section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this Section be construed to prohibit any use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

Sec. 1273. Selling weapons to minors. It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated, in the two preceding sections.

* * * * *

Sec. 1288. Purchases of firearms, ammunition and equipment in contiguous states by Oklahoma residents—Purchases in Oklahoma by residents of contiguous states. (a) Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which the purchase is made.

(b) Residents of a state contiguous to the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in the State of Oklahoma, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

Sec. 1289.3 "Pistols" defined. "Pistols" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

Sec. 1289.4 "Rifles" defined. "Rifles" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Sec. 1289.5 "Shotguns" defined. "Shotguns" as used herein shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Sec. 1289.10 Furnishing firearms to mentally incompetent or insane persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Sec. 1289.12 Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs—Displaying notice. It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, nor shall it be lawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or

emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer.

Ada

Sec. 17-26. Sale or furnishing of weapons to minors. It shall be unlawful for any person within the city to sell or give to any minor any of the arms or weapons designated in section 17-25.

Bethany

Section 1. Pistol and Revolvers Defined. The word pistol or revolver as used in this ordinance shall be construed as meaning any firearm with a barrel less than 12" long.

* * * * *

Section 3. Sale to Person Without Permit—Exceptions. No person, firm or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver or like firearm within the City of Bethany to any person who is not a holder of a written permit from the Chief of Police of Bethany authorizing such person to purchase, receive or accept such revolver, pistol or like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police in the manner provided hereafter.

Section 4. Application for Permit. Applications for permits to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the Chief of Police of Bethany upon blanks to be provided therefore *** [contact local authorities for required contents]

* * * * *

Section 8. Duty of Seller. It shall be the duty of any person, firm or corporation who sells, transfers, or gives away any pistol, revolver or other like firearm, as provided in this ordinance, at the time of such sale, gift, or delivery is made, to require the holder of such permit to deliver the said permit to such person, firm, or corporation who sells, transfers or gives away any pistol, revolver or other like firearm; and it shall be the duty of any such person, firm or corporation who sells, transfers, or gives away any pistol, revolver or like firearm to deliver such permit to the Chief of Police of Bethany, at the time the report of such sale or gift is made, as provided in this ordinance.

* * * * *

Colcord

Title 15—Weapons

* * * * *

Section 6: Sales Permitted-Rules All persons trading, or selling or offering for sale, any pistol, revolver, *** capable of being carried concealed upon the person, shall at the time any such weapons are sold or delivered, require such persons receiving or purchasing such weapons to sign an application for the purchase of the weapon, upon blanks to be furnished by the Town of Colcord to the dealers in weapons of the above occupation, description, place of residence, the time such (applicant has been a resident) at such place and description of the weapon for the purchase of which such application is made, including the make, calibre and factory number, if any (are) there on.

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein defined between individuals who are not dealers in such weapons, nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

* * * * *

Healdton

2. It shall be unlawful for any person to sell to a minor any pistol, revolver, *** or instrument manufactured or sold for the purpose of defense or offense, within the corporate limits of the City of Healdton.

Hominy

14c. Weapons, selling or giving them to minors. The act of selling or giving to any minor any pistol, revolver, device, *** or any other dangerous weapon is a public offense.

Hugo

Article 3. Firearms

Sec. 14-40, Pistol permit required. It shall be unlawful and an offense for any person to purchase, receive or accept in any manner any revolver, pistol or other like firearm within the City of Hugo, Oklahoma without first having obtained a written permit from the chief of police of the City of Hugo, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Sec. 14-41. Definition. The word "pistol" or "revolver" as used in this article shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Sec. 14-42. Sale allowed only to permit holders. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Hugo to any person who is not the holder of a written permit from the chief of police of Hugo authorizing such person to purchase, receive or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the chief of police of Hugo in the manner provided hereinafter.

Sec. 14-50. Sale restricted to certain hours. It shall be unlawful and an offense for any person, firm or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver or other like firearm, as defined herein between the hours of five o'clock p.m. and one o'clock a.m.

Lawton

Sec. 7-116. Purchase and sale of pistol: Permit required. (a) No person shall purchase, receive, or accept in any manner any revolver, pistol, or like firearm within the City, without first having obtained a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Regular dealers in such articles may accept such articles without a permit.

(b) No person shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City, to any person who is not a holder of a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person deliver a pistol, revolver, or other like firearm to the person to whom it is to be sold or transferred until approved by the police department in the manner provided hereinafter.

Sec. 7-117. Application for permit. Applications for a permit to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the police department upon forms to be provided therefor. [contact local authorities for required contents] ***

Sec. 7-118. Persons ineligible for permit; investigation. The police department shall refuse permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state or of the United States, and to all minors, drug addicts, aliens and such other persons as it has reasonable cause to believe are not of sound mind and discretion and of good moral character. ***

When it has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes the Po-

lice Department shall issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty (30) days.

* * * * *

Sec. 7-121. Duty of seller. Any person who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, shall require the holder of such permit to deliver the permit to him, and he in turn shall deliver such permit to the police department at the time the report of such sale or gift is made, as provided in this article.

Sec. 7-122. Purchaser not authorized to carry pistol. Nothing contained in this article shall in any manner be construed as a permit to carry a revolver, pistol, or like firearm contrary to any ordinance of the City or the laws of the State.

Sec. 7-123. Antique pistols exempt from article. Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being fired at the time of sale.

Sec. 7-124. Regular dealers exempt from permit requirement. The provision of this article pertaining to permits for transactions involving revolvers, pistols, or other like firearms shall not be applicable to transactions solely involving regular dealers in such articles.

* * * * *

Midwest City

Ordinance 258

Section 1. Pistol and Revolver Defined. The word "pistol" or "revolver," as used in this ordinance, shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Section 2. Purchase of Pistol—Permit Required. It shall be unlawful and an offense for any person to purchase, receive, or accept in any manner any revolver, pistol or other like firearm within the City of Midwest City without first having obtained a written permit from the Chief of Police of the City of Midwest City, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Section 3. Sale to Person Without Permit—Exception. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Midwest City to any person who is not the holder of a written permit from the Chief of Police of Midwest City authorizing such person to purchase, receive or accept such revolver, pistol or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police of Midwest City * * *.

Section 11. Sales After 5:00 O'clock Prohibited. It shall be unlawful and an offense for any person, firm, or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver, or other like firearm, as defined herein, between the hours of 5:00 o'clock P. M. and 8:00 o'clock A. M.

Moore

Sec. 14-31. Unlawful weapons prohibited. It shall be unlawful for any person to carry upon or about his person any pistol, revolver * * * or any other offensive or defensive weapon, except as herein provided.

Sec. 14-32. Not to sell unlawful weapons to minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in section 14-31.

Muskogee

18-7. Application for purchase of weapons. (a) All persons handling, selling or offering for sale, transferring or delivering any pistol, revolver, * * * or any similar dangerous or deadly weapon capable of being carried or concealed upon the person, shall, at the time of the sale or delivery thereof to any purchaser or other person receiving such a weapon, require the purchaser or other person receiving the same to sign and swear to an application [contact local authorities for required contents] * * *. The dealer or person selling or delivering any such weapon shall, at the time of the sale or delivery to such purchaser, require that the application have shown thereon, for the purpose of identification, the fingerprints of the purchaser.

(b) It shall be the duty of all persons subject to the provisions of this section to deliver to the police department of the city, not later than the day following any delivery or sale of any weapon hereunder, the application containing the information above required and the signature and fingerprints of the purchaser.

(c) The provisions of this section shall not apply to the sale, delivery or transfer of weapons between individuals who are not dealers therein, nor shall the provisions hereof apply to weapons commonly and usually used in hunting game and not capable of being carried concealed about the person.

Oklahoma City

Sec. 21-47. Pistol defined. As used herein:

Pistol shall mean any pistol, revolver, or like firearm with a barrel less than twelve (12") inches long.

Transfer shall mean any transfer, sale, gift, barter or delivery.

* * * * *

Sec. 21-53. Receipt of pistol; permit required. No person shall purchase, receive, or accept in any manner any pistol without first having obtained a written permit from the Chief of Police authorizing the person to receive or accept the pistol.

Sec. 21-54. Transfer of pistol to person without permit. (a) Transfer without permit. No person shall transfer a pistol to any person who is not a holder of a written permit from the Chief of Police authorizing the person to purchase, receive or accept the pistol.

(b) Delivery of pistol only after Police approval. No person shall deliver a pistol to the person to whom it is to be transferred until approved by the Chief of Police in the manner provided in this Division.

Sec. 21-56. Persons ineligible for pistol permit; investigation. The Chief of Police shall refuse to issue the permits described in Sections 21-53 and 21-55 to all persons having been convicted of a felony under the laws of the State, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied after an investigation that the applicant is a suitable person of sound mind and discretion and of good moral character, and that the pistol is to be used for lawful purposes, he shall issue the applicant a written permit authorizing him to purchase, receive or accept the pistol.

Sec. 21-57. Register of pistol permits. The Chief of Police shall at all times keep on file in his office a register containing the name, address, and description of all persons to whom a permit has been granted under this Division.

Sec. 21-58. Transfer of pistols to be reported; separate offense for each day of failure to report. Every person who transfers to any person, except to regular dealers in these articles, any pistol shall, within twenty-four (24) hours after making the transfer, make and file with the Chief of Police a legible report, written in the English language, stating the date of the transfer, the correct name, age, residence, height, weight, color of hair, eyes, race and nationality of the transferee. This written report shall also contain the make, kind, description, caliber, model, manufacturer's number, or other marks of identification of the pistol transferred. Each day of failure to make this report shall be a separate offense.

Sec. 21-59. Transfers of pistols. No person shall purchase, receive or accept in any

manner, or transfer any pistol between 5:00 P.M. and 8:00 A.M.

21-62. Antique pistols excepted. Nothing contained in this Division shall be deemed to apply to antique pistols which are incapable of being used as pistols.

Sec. 21-165. Sale or gift of explosives to minors. No person shall sell, give, or deliver to any minor any of the following explosives:

Gun-powder, blasting powder, giant powder, gun cotton, nitroglycerin, dynamite, dynamite caps, or other explosives of a similar character.

Sec. 21-166. Sale to or possession of weapons by minors. (a) No person under the age of twenty-one (21) years shall carry, discharge, use or be in possession of any firearm, weapon, air gun, gas-operated gun, or any bow or sling type instrument made for the purpose of throwing or projecting missiles of any kind and capable of inflicting injury.

(b) No person shall sell to a minor any of the firearms or weapons named in Subsection (a).

Shawnee

48-3. Sale of weapons to minors prohibited. It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in section 48-1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor.

48-6. "Pistol" and "revolver" defined. The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48-7. Applicability of article. Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48-8. Permit to purchase, receive, etc.—Required. No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48-12. Sale of pistols, revolvers, etc. (a) No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

* * * * *

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the required permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tecumseh

Ordinance 241

Section 1 Permit to Purchase, Receive, etc.—Required No person shall purchase, receive, or accept in any manner any revolver, pistol, or other similar firearm within the City, without first obtaining a written permit from the Chief of Police, authorizing such person to receive or accept such revolver, pistol, or other similar firearm.

Tulsa

Section 441. Pistol Defined. The term "pistol" as used herein shall mean and include any firearm with a barrel or barrels less than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to cause lethal injury, but not including flare guns or blank pistols.

Section 442. Rifle Defined. The term "rifle" as used herein shall mean any firearm with a barrel or barrels more than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury; but shall not include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Section 443. Shotgun Defined. The term "shotgun" as used herein shall mean and include any firearm with a barrel or barrels more than eighteen (18) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury. Any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Section 452. Firearms - Furnishing to Convicted Felons, Incompetents or Persons Under the Influence of Alcohol or Drugs. It shall be unlawful for any person to knowingly sell, trade, give, transmit, or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, individual under the influence of alcohol or drugs or who is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this Section prominently in full view at or near the point of normal firearm sale, trade or transfer.

Section 453. Firearms—Furnishing to Incompetents or Insane Persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Section 456. Weapons - Selling to Minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in Section 455 (pistol, revolver).

Section 460. Weapons - Sale Procedure. All persons trading, selling or offering for sale any pistol, revolver, shotgun or weapon, as defined in this Chapter, capable of being carried concealed upon the person shall, at the time same are sold or delivered require the person receiving or purchasing same to sign an application for such purchase upon blanks to be furnished by the City of Tulsa Police Department to dealers. [contact local authorities for required contents] * * *. The dealer shall, at the time of sale or delivery, require purchaser to make and leave with such dealer, a record of such purchaser's fingerprints which shall be made on suitable blanks furnished to dealer by the City of Tulsa Police Department. * * *

The provisions of this Section shall not apply to the sale or transfer of pistols, revolvers, shotguns or weapons between individuals who are not dealers in same; nor to their sale when used in hunting game and which are not capable of being carried concealed upon the body of the person carrying same.

Vinita

Sec. 14-58. Selling weapons and cartridges and dangerous articles to minors. It shall be unlawful for any person to sell, barter, give or furnish to any minor, any blank or loaded cartridges, or any pistol, revolver, toy or other thing made for the purpose of exploding any blank or loaded cartridges.

* * * * *

Oregon

State Law

Ore. Rev. Stat.

164.055 * * *(b) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

* * * * *

166.210 Definitions for ORS 166.230 to 166.470. As used in ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470:

(1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

* * * * *

166.250 Unlawful possession of weapons. (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260 Persons not affected by ORS 166.250. ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270 Certain exconvicts forbidden to possess arms. (1) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearms capable of being concealed upon the person, or machine gun, commits the crime of exconvict in possession of a firearm.

(2) For the purposes of this section, a person "has been convicted of a felony" if, at the time of his conviction for an offense, that offense was a felony under the law of the jurisdiction in which it was committed. Provided, however, that such conviction shall not be deemed a conviction of a felony if:

(a) At the time of conviction, and pursuant to the law of the jurisdiction in which the offense occurred, the offense was made a misdemeanor by the type or manner of sentence actually imposed; or

(b) The offense was for possession of marijuana.

(3) Subsection (1) of this section shall not apply to any person who has been convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the laws of the United States, which felony did not involve the possession or use of a firearm, and who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section.

(4) Exconvict in possession of a firearm is a Class C felony.

Sale or transfer of firearms

166.410 Manufacture, importation, sale, gift, loan or possession of firearms. Any person who manufactures or causes to be manufactured within this state, or who imports into this state, or keeps, offers, exposes for sale, gives, lends or possesses a pistol, revolver or machine gun, otherwise than in accordance with ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.420 to 166.470, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.420 Register of transfers of concealed weapons; form and content of register and by whom to be maintained.

* * * * *

(2) The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign, his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor.

* * * * *

166.430 Licenses to sell at retail. Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed where it can easily be read by the customer.

(3) Before any pistol or revolver shall be delivered:

(a) One hundred twenty hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

(b) The purchaser either is personally known to the seller or presents clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in or on any part of the premises where it can readily be seen from outside the premises.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.440 Unlicensed persons selling or advertising for sale concealable firearms. Any person who, without being licensed as provided in ORS 166.430, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, is guilty of a misdemeanor.

166.460. Antique firearms excepted. ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470 Limitations and conditions for sales of concealable firearms. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480 Sale or gift of explosives and firearms to children. Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barters or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490 Purchase of firearms in certain other states. (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun, unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

(4) This section expires and stands repealed upon the date that section 922(b) (3) of the Gun Control Act of 1968 (18 U.S.C. 922(b) (3)) and regulations pursuant thereto are repealed or rescinded.

480.070 Fire bombs prohibited; exceptions. (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

(2) This section shall not prohibit the authorized use or possession of such fire bomb by a member of the Armed Forces of the United States or by any member of a regularly organized public fire or police department.

Canby

Adopted State Criminal Code

Corvallis

41. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor. * * *.

Eugene

3.440 Weapons - Conditions of License. Every license issued to a business dealing in deadly weapons or firearms is issued upon the following terms and conditions:

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver, or otherwise transfer a weapon to a minor under the age of 18 years.

* * * * *

(f) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped, unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Fossil

79-2. Unlawful to sell firearms, etc. That hereafter it shall be unlawful for any person or dealer in the Town of Fossil to sell, expose, or offer for sale, or in any manner furnish or dispose of to any resident of the Town of Fossil, or to any person for use in said Town, or to any minor person at any time, any blank cartridge pistol or revolver, or any blank cartridges, or any of the explosives, firecrackers, or fireworks, the use of which is prohibited in Section 1 of this Ordinance.

Gresham

Ordinance 806

* * * * *

Section 2. Any person, firm or corporation within the City of Gresham dealing in the sale of firearms, particularly pistols, revolvers, rifles and other firearms must secure a City of Gresham Business License as well as adhere to all State and Federal Firearms Regulations.

* * * * *

Klamath Falls

Chapter 47

Article III Record of Receipt of Secondhand Firearms

* * * * *

Sec. 47-9. Required; contents. The owner or manager, of a business establishment, such as hardware stores, sporting goods stores and general merchandise stores, which receive from customers secondhand firearms, such as shotguns, rifles, pistols and revolvers, (air rifles excluded) in trade or exchange for merchandise or for cash shall keep a record, on blanks to be furnished by the city, containing (the information required under Sec. 47-9; contact local authorities for required entries) * * *

The customer delivering or trading such article shall sign his name and enter his address on the report in a legible manner. The owner

or the manager of such business establishment shall prepare such record and report at the time the transaction takes place.

Article IV. Teargas, etc., Guns.

Sec. 47-13. Sale, offering for sale, etc., prohibited. No person shall sell, offer for sale or give away, either as the owner or the agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids to blind or impair the eyesight or sicken or disable a human being. Such gun or device is hereby declared to be a dangerous weapon.

Lane County

Ordinance 1-77
License for retail sale of firearms

3.501 License Required. No person shall engage in the business of the retail sale of pistols, revolvers or other firearms capable of being concealed on the person, within the unincorporated areas of Lane County, unless such person holds a valid license issued under this subchapter.

3.510 Planning and Public Safety Approvals. No license shall be granted under this subsection until the location of the proposed retail establishment has been certified to be in conformity with land use regulations by the Planning Division or its designee and until the Sheriff has certified that he has no information which would indicate that the applicant has been convicted within five years preceding the date of application of a felony or Class A misdemeanor. If the applicant is a corporation, the Sheriff shall make the required certification as to each officer thereof. If the applicant is an association, firm, or partnership, the Sheriff shall certify as to each member thereof.

* * * * *

(See local requirements for details of application, investigation, approval, revocation, and appeal.)

Myrtle Creek

5-6.5. (e) Sales to intoxicated persons and minors. No person shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Oregon City

6-4-1: Definitions: (A) As used in this Chapter, "firearm" means a pistol, revolver, gun, rifle or other ordnance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air. * * * * *

(C) "Deadly weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

6-4-7: Sale or Distribution of Miniature Firearms and Ammunition: It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the City.

6-4-9: Sale or Distribution of Deadly Weapons or Ammunition to Minors; Possession By Minors: It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen (18) years of age any deadly weapon as defined in 6-4-1, and it is unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any deadly weapon as defined in 6-4-1; and it is unlawful for any such minor to have any such deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a deadly weapon or ammunition in his or her possession, except that in the case of concealable deadly weapons, such as pistol or revolver, it is unlawful to sell these weapons to anyone under the age of twenty-one (21) years.

6-4-10: Licenses to Sell At Retail: Licensing authorities of Oregon City may grant licenses in form prescribed by the Attorney General of the State of Oregon, effective for not more than one year from date of issue, permitting the licensee to sell at retail within Oregon City pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture: * * * * *

(C) Before any pistol or revolver shall be delivered:

1. One hundred twenty (120) hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

2. The purchaser either is personally known to the seller or presents clear evidence of his identity. * * * * *

6-4-11: Unlicensed Persons Selling * * * Concealable Firearms: It is unlawful for any person, without being licensed as provided in 6-4-10, to engage in the business of selling or otherwise transferring, * * * any pistol, revolver or other firearm capable of being concealed upon the person.

Portland

14.32.030 Gas bombs. (a) As used in this section, "gas" includes all liquid, gaseous or solid substances intended to produce temporary physical discomfort, permanent injury or a noxious odor by being vaporized or otherwise dispersed in the air.

(b) It is unlawful for any person to possess or transport in the city any form of shell, cartridge or bomb containing and capable of emitting gas, or any weapon designed for using such shell, cartridge or bomb.

(c) This section does not apply to peace officers or members of the armed forces of this state or of the United States when possessing or transporting such shells, cartridges or bombs for official use.

14.32.040 Explosives and fire bombs. (a) As used in this section:

(1) "Explosives" means any substance or material that on ignition by heat, impact, friction or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.

(2) "Fire bomb" means a breakable container containing a flammable liquid or jelly with a flash point of 150 degrees Farenheit or less, that is capable of being ignited by an integral wick or similar device or that is capable of being ignited if the container is broken by impact, but no device commercially manufactured primarily for the purpose of illumination shall be deemed a fire bomb.

(c) It is unlawful for any person, other than a peace officer or a member of the armed forces of this state or of the United States, to use, possess or have under his control an explosive or fire bomb.

(d) This section does not apply to the possession of explosives or fire bombs otherwise authorized by this code or Oregon law.

* * * * *

Springfield

8-20-1 Definition. A weapons dealer is any person engaged in the business of selling or offering for sale at retail rifles, pistols, revolvers, derringers, or other weapons or firearms of like character.

* * * * *

8-20-2 Licenses. It shall be unlawful for any person to engage in a business as a weapons dealer without first having obtained a license from the city recorder to do so.

8-20-5 Condition of License. Every license issued to a business dealing in weapons is issued upon the following terms and conditions: * * *

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver or otherwise transfer a weapon other than a shotgun or rifle to any person who is under the age of 21 years, nor a shotgun or rifle to any person who is under the age of 18 years, nor any weapon to any person who is intoxicated or under any obvious abnormal mental condition. * * *

(f) No pistol or revolver or other firearms capable of being concealed on the person shall be delivered sooner than 120 hours after the application for the purchase and, when delivered, shall be unloaded and securely wrapped. * * *

Umatilla

Ordinance 371 adopts Chapters 161-167 of the Oregon Criminal Code of 1971 by reference. This includes Oregon Revised Statutes 166.005 through 166.645—Offenses against public order; firearms and other weapons.

Pennsylvania

State Law

Pa. Stat. Ann. (Purdon's)

Uniform Firearms Act

Title 18

Sec. 908. Prohibited offensive weapons. (a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells or otherwise deals in, uses, or possesses any offensive weapon.

(b) Exception. —It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negativing any intent or likelihood that the weapon would be used unlawfully.

(c) Definition. —As used in this section "offensive weapon" means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge * * * or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

Sec. 6102. Definitions. Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Firearm." Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

"Crime of violence." Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

Sec. 6105. Former convict not to own a firearm, etc. No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

Sec. 6110. Persons to whom delivery shall not be made. No person shall deliver a firearm to any person under the age of 18 years, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Sec. 6111. Sale of firearms. (a) Time and manner of delivery.—No seller shall deliver a firearm to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded.

(b) Statement to be signed by purchaser.—At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. * * *

(c) Exemption.—This section shall not apply to sales at wholesale.

Sec. 6112. Retail dealer required to be licensed. No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as provided in this subchapter.

Sec. 6113. Licensing of dealers. (a) General rule. —The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in section 6111 of this title (relating to sale of firearms), for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this subchapter:

(1) The business shall be carried on only in the building designated in the license.

(2) The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No firearm shall be sold in violation of any provision of this subchapter.

(4) No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(5) A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the information required by section 6111 of this title.

* * * * *

Sec. 6115. Loans on, or lending or giving firearms prohibited. No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

Sec. 6117. Altering or obliterating marks of identification. (a) Offense defined.—No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm.

(b) Presumption.—Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

Sec. 6118. Antique firearms. This subchapter shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

Sec. 6120. Limitation on municipal regulation of firearms. (a) General rule.— No county, municipality or township may in any

manner regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of this commonwealth.

(b) **Definition** —For the purposes of this section, the term "firearms" shall not include "air rifles" as defined in section 6304 (relating to sale and use of air rifles).

Sec. 6141. Purchase of firearms in contiguous states. (a) General rule.—It is lawful for a person residing in this Commonwealth, including a corporation or other business entity, maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or transport such rifle or shotgun into this Commonwealth.

(b) Applicability of section.—(1) This section applies to residents of this Commonwealth who obtain rifles or shotguns from a state contiguous to this Commonwealth in compliance with the Gun Control Act of 1968, State laws and local ordinances.

(2) This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by Federally licensed firearms manufacturers, importers, dealers or collectors.

(c) Definitions.—(1) As used in this section the term "a state contiguous to this Commonwealth" means any state having a common border with this Commonwealth.

(2) The other terms used in this section shall have the meanings ascribed to them by Public Law 90-618 known as the "Gun Control Act of 1968."

Sec. 6302. Sale or lease of weapons and explosives. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.—The provisions of subsection (a) of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of The Game Law.

6303. Sale of starter pistols. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception.—Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

7306. Incendiary devices. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "molotov cocktail."

(b) Exception.—The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth or any political subdivision, who use incendiary devices as part of their duties.

(c) Definition.—As used in this section the phrase "incendiary device," means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

Mental Health—Retardation

Title 50

Sec. 4605. Penalties. * * *

(2) It shall be unlawful for anyone to directly or indirectly, sell, give or furnish to any person admitted, committed or detained in a facility, any weapon or other instrument which may be used to inflict injury unless the instrument is a tool of the activity in which the person has permission to engage.* * * * *

Abington Township

Sale to certain minors prohibited * * *. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle * * * of any description in the Township of Abington, shall upon conviction * * *

Caernarvon Township

Section 2A. No person shall sell or offer to sell or carry, store or discharge any explosives, handgrenades, molotov cocktails or any incendiary of whatsoever kind or nature within the geographic limits of the Township of Caernarvon; * * *

California Borough

4-4. Sales to intoxicated persons and minors. No person in the Borough shall sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to minor under the age of 18 years.

Clifton Heights Borough

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or discharge and/or to use or discharge within the limits of the Borough of Clifton Heights any * * * pistol, starter guns, blank guns, * * *. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona fide dealer therein.

Harrisburg

751.01 Possession of Firearms by Minors. No minor under the age of eighteen years shall have in his possession, except in his place of residence, any firearm, flobert rifle, * * * or any implement which impels with force a metal pellet of any kind, unless such minor is accompanied by an adult.

Lower Moreland Township

3. Sale of Certain Weapons to Persons Under Age of 18 Prohibited. It shall be unlawful for any person within the Township of Lower Moreland knowingly and wilfully to sell or cause to be sold, to any person under the age of eighteen (18) years, any rifle, air rifle or air gun, pistol or firearm of any description.

4. Persons Under Age of 18 not to Purchase or Possess Certain Ammunition or Pellets; Exception. It shall be unlawful for any person under the age of eighteen years, unless acting under the supervision of and in the presence of his or her parent or guardian, within the Township of Lower Moreland, to purchase or possess any pellets or shot for an air gun or ammunition for a rifle or other firearm.

5. Restrictions on Sale or Furnishing of Ammunition or Pellets to Persons Under Age of 18. It shall be unlawful for any person within the Township of Lower Moreland to sell, furnish or give any * * * ammunition for a rifle or other firearm to any person under eighteen years of age, unless such minor receiving such shot, pellets or ammunition shall be accompanied by and shall act under the supervision of his or her parent or guardian.

Lower Yoder Township

Ordinance 15
4:1:d

Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of

alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Marcus Hook Borough

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell * * * guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

McKeesport

1. * * * it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, * * *

2. It shall be unlawful for any person or persons, firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Millcreek Township

Section 1: That it shall be unlawful for any person, persons, firm or corporation to sell, offer or expose for sale, within the Township of Millcreek, to any minor under the age of eighteen years, any rifle * * *.

Monongahela

Section 1. * * * no license or permit shall be granted to any person or persons for the purchasing transfer or bartering of revolvers and pistols in the City of Monongahela until and unless the purchaser shall have been finger-printed by the Chief of Police or officer designated by the Mayor for that purpose, and shall have furnished to said Chief of Police or designated officer a recent photograph of himself, of a size as prescribed by Chief of Police, and such description of himself as may be necessary adequately to describe said person, which said data and Bertillion measurements shall be kept as a record by the Police Department.

Mt. Lebanon Township

3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township Manager of said Township. * * *

Mt. Oliver Borough

5. No person other than duly authorized personnel of the Borough, City, County, State or Federal law enforcement agencies, shall carry, sell, or display, barter, loan, give away, transfer, transport, discharge, or use any weapon, ammunition or explosive device of any kind or nature whatsoever including firearms, * * * bombs, missiles or any other weapon or device designed or intended to inflict bodily harm or injury to property at any place within the Borough.

Philadelphia

9-606. Ammunition. (2) Definitions. In this Section, the following definitions apply: (a) Ammunition. Any material used in discharging any type of firearm or any projectile discharged by said firearm. (b) Minor. Any person under the age of 18 years.

(3) Prohibitions. (a) Any person engaged in the business of selling ammunition shall be required to comply with the following: * * *

(b) No person shall sell, give or deliver any ammunition to minors; provided, that this Section shall not apply to ammunition supplied by a parent or guardian to his child or children, for lawful purposes.

(c) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(4) Licenses. (a) No person shall sell any ammunition unless he first receives a license from the Department.

Rockledge Borough

Ordinance 380

Sec. 9 * * * It shall be unlawful and it is hereby prohibited for any person or persons, firm or corporation to sell, offer or expose for sale within the limits of the Borough of Rockledge, to any minor child under the age of eighteen (18) years, any gun, rifle, pistol (whether revolver or automatic) or any other type of firearm.

Ross Township

Section 3. Every person, firm or corporation, engaged in selling or offering for sale, within the limits of the Township of Ross, any fire-arm * * * shall accompany each such sale with a copy of * * * Ordinance No. 937.

Scott Township

Ordinance 316

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle * * * unless they, or it, shall have first received a written license so to do, signed by the Secretary of said Township, or his authorized agent, * * * No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Scranton

1. * * * it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) * * * or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor * * * to the Superintendent of the Bureau of Police [contact local authorities for required contents] * * *

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

Shamokin

Sec. 52-4. Purchase, sale or discharge of fireworks, etc., prohibited; exception. From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any * * * guns, pistols, or other firearms * * * of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Slatington Borough

Ordinance 368

It shall be unlawful for any person or persons, firm or corporation within the corporate

limits of the Borough of Slatington, Pennsylvania, to possess, deliver possession of, sell or discharge firearms, * * * or any other dangerous combustible material unless permission of the Mayor therefore is first procured in writing.

Springfield Township

Sec. 48-5. Sales to minors. It shall be unlawful to knowingly and willfully sell or cause to be sold, or supply or furnish to any minor person any rifle * * * or ammunition or pellets for the same * * * or shotguns, guns or any firearm or weapon from which a shot or other object is discharged, in the Township of Springfield.

Stowe Township

Ordinance A-458

* * * * *

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol * * *, unless they, or it, shall have first received a written license so to do. * * *. * * * No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Swissvale Borough

1464-3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579-2. Every prospective purchaser of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as to the said Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Southampton

39.2. Whoever knowingly and willfully sells or causes to be sold or supplies or furnishes to any person under eighteen years of age, any gun, rifle, * * * or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred ($100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail for a period not exceeding thirty (30) days.

West Conshohocken Borough

Sec. 54-3. Possession of firearms for sale restricted. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to transfer, store, sell, offer or expose for sale or to have possession with intent to sell any gun, pistol, shotgun, rifle or other firearm within the Borough of West Conshohocken unless duly licensed according to law.

West Pottsgrove Township

Sec. 13-7. Sale of deadly weapons, etc., to minors under sixteen prohibited. It shall be unlawful for any person to knowingly and wilfully sell or cause to be sold, to any person under sixteen (16) years of age, any deadly weapon, or knowingly or wilfully to sell or cause to be sold to any such minor any cartridge, gun powder or other dangerous and explosive substance.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.

Wyomissing Borough

578-1(c) Dealing with Minors and Certain Other Persons. [No person in the Borough shall:] Purchase from, or sell, loan, give, trade, deliver or otherwise furnish any weapon described in sub-section (b) herein, or ammunition therefor, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Puerto Rico

Laws of P.R. Ann.

Title 25

Chapter 51—Weapons

* * * * *

413. Sale or transportation of machine guns. Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. Possession of machine gun, carbine or sawed-off shotgun. Any person who possesses or uses without legal authorization a machine gun, or a sawed-off shotgun, as well as any modification thereof, shall be guilty of a felony. This section shall not be applicable to the possession or use of these weapons in the discharge of their official duties by members of the police, by wardens, superintendents or any of their deputies, of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases, or any other public peace officers; nor shall it apply to the possession or use of these weapons by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

Sec. 416. Possession of pistol or firearm without license. Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor (or felony) * * *

Sec. 420. Possession or sale of silencer. Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard,

nor to the members of the armed forces of the United States.

Sec. 421. Serial number or name of owner on firearm—Removal or defacement. Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

Sec. 425. License to possess firearms; weapons for farmers. The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue licenses to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

Sec. 427. Grounds for refusing to issue license. The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247-1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

Sec. 428. Qualifications of applicant; character, fingerprints. The Chief of Police of Puerto Rico shall not issue licenses to have and possess a firearm unless the said officer is satisfied that the applicant is a person of irreproachable conduct, of good moral repute, that his fingerprints have been duly taken and/or checked with the archives of the police, and unless, in the judgment of the said officer, no reason exists to deny such application.

Sec. 430. Persons who may lawfully carry weapons. (a) The following may lawfully have, possess, carry, transport and convey weapons:

1. The members of the Armed Forces of the United States and the members, officials and employees of the Military Forces of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The superintendent and the members of the Police of Puerto Rico, under the provisions of the regulations of the said Organization.

3. The Director of the Program of Penal Institutions and the heads of correctional institutions, under the regulations that the Correctional Administrator may provide.

4. Custody officers, under the regulations that the Correctional Administrator may provide.

5. United States Customs and Immigration officials, while in the discharge of their duties.

(b) The following may lawfully have, possess, carry, transport and convey a revolver or pistol:

1. Judges, prosecuting attorneys, secretaries, marshalls and deputy marshalls of the Court of Justice of the Commonwealth of Puerto Rico.

2. The members of the Legislature, and any official of the Government of the Commonwealth of Puerto Rico when in the judgment of the Superintendent of the Police of Puerto Rico, by reason of the duties of such official's office, a license should be issued to him to carry a weapon and said license is issued by the Superintendent of the Police of Puerto Rico.

3. Mail carriers, during the discharge of their duties as such.

4. Carriers and custodians of public funds, while such funds are in their custody.

5. Carriers of private funds and custodians of private funds in banking institutions, while such funds are in their custody, upon previous issuance of a license by the Superior Court before which the carrier or custodian of such funds, or his employers, shall justify the necessity of such license.

6. Internal-revenue collectors and agents, provided they have been authorized by the Superintendent of the Police of Puerto Rico, at the request of the Secretary of the Treasury of Puerto Rico, to carry a revolver or pistol.

7. Persons rendering security services to public or private enterprises, while rendering such services, upon previous issuance of a license by the Superior Court, before which said person, or his employer, shall justify the necessity of such license.

(c) No person shall be authorized to carry firearms under subdivision (b) of this section if such person is not authorized to own and possess firearms under sections 425, 426, 427, 428 and 429 of this title.

(d) The provisions of this section shall not be interpreted as authorizing the use of firearms in violation of the law.

Sec. 432. License to sell or deal in firearms and ammunition; report of transactions. (a) No person shall engage in the business of gunsmith or dealer in firearms and ammunition without holding a license therefor issued by the Secretary of the Treasury upon favorable report of the Superintendent of Police of Puerto Rico.

* * * * *

(b) The provisions of the preceding subsection (a) shall likewise be applicable to dealers who introduce firearms and ammunition into Puerto Rico.

(d) A dealer in firearms and ammunition who possesses a license issued in accordance with this chapter may acquire a firearm registered in the Weapons Registry under the provisions of subsections (a), (b) and (d) of section 439 of this title, by purchase from the person who has it registered in his name, provided such person has a license to have and possess said firearms, issued in accordance with this chapter. Before a firearm is sold under the provisions of this subsection, both the vendor and the vendee shall give notice thereof in writing to the Superintendent of Police, and the former shall deliver to said officer his license to have and possess a fire-

arm. The sale of a firearm under the provisions of this subsection shall not prevent the vendor from obtaining a new license to have and possess a firearm in accordance with this chapter.

Sec. 434. Qualifications of dealer applicant. No license as gunsmith or dealer in firearms and ammunition shall be issued to a person not over 21 years of age, and not a citizen of Puerto Rico and of the United States.

Sec. 436. Conditions for dealers' operations; records of transactions. Any person, partnership or corporation, to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

1. The business shall be operated only on the premises specified in the license.

2. No gunsmith shall receive any weapon for repair, modification, cleaning, engraving, polishing, or for doing any mechanical work on it without first being shown the license to carry or possess such weapon. Violation of this subsection on the part of the gunsmith shall constitute a misdemeanor punishable by imprisonment in jail up to a maximum of six (6) months or a fine up to five hundred (500) dollars, or both, in the discretion of the court.

3. The license, or a copy thereof, certified by the authority issuing the same, shall be posted in the establishment so that it may be easily read.

4. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

5. A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, in books devoted to this purpose which shall be printed in the manner that may be prescribed by the Superintendent of the Police of Puerto Rico and the record of each sale shall be personally signed by the buyer and by the person making the sale, each in the presence of the other; and such record shall set forth [such information as is required under the laws of Puerto Rico; contact authorities for requirements] * * * Said record shall also state whether the buyer is personally known to the vendor, and in case he is not, the manner in which the buyer accredited his identity. * * *

* * * * *

8. Any dealer in firearms or ammunition to whom a license has been issued under the provisions of this section, who fails to keep the records and books herein required, or who fails to demand the presentation of a license to have and possess a firearm in cases where the presentation of such license is required by this chapter, shall be guilty of a misdemeanor; and when such dealer in firearms or ammunition sells or delivers a firearm to any person to whom a license to have and possess a firearm in accordance with the provisions of section 425 of this title has not been issued, he shall be guilty of a felony. * * *

Sec. 437. Acquisition of weapons by persons authorized in section 430. The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

Sec. 438. Sales of weapons and ammunition without licenses, prohibited; delivery permit. No dealer in firearms or ammunition shall deliver a firearm or issue the corresponding delivery permit to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, * * * and unless said license contains an authorization for the purchase of said weapon, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sale permit, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sale permit has been removed. * * *

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have or possess a firearm.

Sec. 445. Hunting and target shooting arms excepted. The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

Sec. 446. Collections of antique weapons; certificates of uselessness. No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

Sec. 454. Definitions. For the purposes of this chapter, the phrases and terms hereinafter listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

* * * * *

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in Firearms or Ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(h) "Merchant" means any person, firm, corporation or partnership who engages on premises open to the public, which are not the residence of anyone, in the sale of merchandise and articles the object of lawful commerce between men.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico.

(o) Rifle—A firearm with a long, striated barrel designed to be fired from the shoulder, that discharges only one (1) shot. It may be fed by hand or by a magazine or removable receptacle, and fired manually, automatically or semiautomatically. The barrel shall have a minimum length of 16 inches.

(p) Shotgun—A long barreled firearm with one (1) or more smoothbore barrels, designed to be fired from the shoulder, that may discharge cartridges of one (1) or more shots. It may be fed by hand or by a magazine or removable receptacle and fired manually, automatically or semiautomatically.

(q) Carbine—A firearm with a long, striated barrel designed to be fired from the shoulder, that discharges only one (1) shot. It may be fed by hand or by a magazine or removable receptacle and fired manually, automatically or semiautomatically. The barrel shall be no more than 16 inches long.

Chapter 57—Revolvers, Pistols, etc.

541. Concealed weapons and instruments. It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. Exceptions. Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

Title 24

Chapter 111—Controlled Substances

Sec. 2516. Driving vehicles; carrying firearms. No person who has been convicted of a felony under this chapter or of any law of the United States or of any state in connection with narcotic drugs, marijuana, depressant or stimulant substances, as well as of any foreign country and any person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority to drive any kind of motor vehicle nor to hold, possess or carry firearms for a term of five (5) years from and after the serving of the sentence imposed by said conviction or after the date of the declaration. Officers or public employees in charge of the issuance of said licenses shall be prevented from extending them, whenever any of the circumstances expressed above may concur in the applicant for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs shall immediately be cancelled by the corresponding authority.

Notwithstanding the prohibitions contained in this section, the Secretary of Health may, upon request of an interested party, render ineffective the prohibition that a license to drive a motor vehicle be issued to one of such persons, provided it is shown to his satisfaction that said person is reasonably rehabilitated and that the license request is necessary so that such person may lawfully carry out his work or trade.

The presentation of the certificate from the Secretary of Health relieving a person from the prohibition of possessing a license to drive a motor vehicle shall relieve from responsibility the employee or officer issuing it.

Rhode Island

State Law

Gen. Laws of R.I.

11-47-2. Definition of terms. When used in Secs. 11-47-1 to 11-47-56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of any such weapon shall be construed as a firearm under the provisions of this section.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

"Sawed-off shotgun" shall mean any shotgun with overall length of less than twenty-six (26) inches and/or barrel length of less than eighteen (18) inches.

"Sawed-off rifle" shall mean any rifle with overall length of less than twenty-six (26) inches and/or barrel length of less than sixteen (16) inches.

"Antique firearm" shall be defined as that term is defined under the provisions of Title

18, United States Code, Subsection 921, entitled Definitions.

* * * * *

11-47-5. Possession of arms by person convicted of crime of violence or who is a fugitive from justice. No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm.

11-47-6. Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard. No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s).

In the event that said application is approved and if said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11-47-7. Possession of pistol or revolver by alien. No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11-47-8. License required for carrying pistol—Possession of machine gun. (a) ***** No person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter.

(b) No person shall have in his possession or under his control any sawed-off shotgun or sawed-off rifle as defined in section 11-47-2.

11-47-9. Persons exempt from restrictions. The provisions of Sec. 11-47-8 shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, capitol police and railroad police while traveling to and from official assignments or while on assignments, conservation officers, or other duly appointed law enforcement officers, nor to members of the army, navy, air force, marine corps of the United States, the national guard, or organized reserves, when on duty, or to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided such members are at or are going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he is employed by the United States; provided, however, that the commanding officer of such military establishment shall have on file with the attorney general of this state a list of the names and addresses of all such civilian guards and criminal investigators so authorized; nor to duly authorized military organizations when on duty, nor to members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded and securely wrapped from the place of purchase to his home or place of business, or in moving goods from one place of abode or business to another. Persons exempted by the provisions of this section from the provisions of Sec. 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, however, that this shall not be construed as giving the right to carry concealed firearms to a person transporting concealable firearms as merchandise or as household or business goods.

* * * * *

11-47-14. Permits to banks and carriers. The attorney-general may issue a license or permit to any banking institution doing business in this state or to any public carrier who is in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney-general may prescribe.

* * * * *

11-47-19. Machine gun manufacturers' permits. The attorney-general may issue to any person, firm or corporation engaged in manufacturing in this state, a license or permit to manufacture and sell machine guns and any or all machine gun parts under such regulations as the attorney-general may prescribe.

11-47-20. Sale or possession of silencers. It shall be unlawful within this state to manufacture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged.

11-47-21. Restrictions on possession or carrying of explosives or noxious substances. Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bombshell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11-47-25. Antique firearms and collections. Sections 11-47-1 to 11-47-56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms utilized and maintained for educational, scientific or any similar purpose without intent to use such firearms.

11-47-30. Sale of firearms to minors. It shall be unlawful within this state for any person to sell any firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-31. Sale of ammunition to minors. It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-33. Possession of firearms by minors. It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in Sec. 11-47-34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11-47-34. Firearms permits to minors. The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian.

11-47-35. Sale of concealable weapons. No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver. (Form deleted)

11-47-37. Sale to minors and others forbidden. No person shall sell a pistol or revolver to any person under the age of twenty-one (21) or to one who he has reasonable cause to believe falls under the provisions of sections 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

11-47-38. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol, revolver, or other firearm without being licensed as hereinafter provided.

Central Falls

17-23. Weapons—Possessing, harboring, etc. No person shall own, possess, harbor, carry or in any manner use or exercise control of any so-called actually or inherently dangerous weapon or instrumentality, such as a * * * rifle, gun, musket, blunderbuss, fowling piece, pistol, * * * or any contrivance arranged to discharge shot, bullets, arrows, darts, shells or other missiles in the limits of the city, except by special permission of the city council upon the recommendation of the chief of police, who shall prescribe such rules and regulations as each case may require. The city council shall exercise their discretion in each case and shall decide accordingly having in mind the best interests of the populace at large, and more particularly so during any war period.

17-25. Same—Sale to minors. No person shall sell or dispose of to any minor who has no special license to have the same in his possession any of the articles or contrivances mentioned in the two preceding sections. Any person violating this section shall be held responsible for any damage or injury caused as a result of his act.

East Providence

Sec. 20-12. Same—Sale of rifle, pistol, etc., to minors. No person shall sell or offer to sell any rifle, gun, pistol, * * * to any person under the age of eighteen years.

South Carolina

State Law

Code of Laws of S.C.

Title 16
Chapter 23
Article 1

Sec. 16-23-10. Definitions. When used in this article:

(a) "Pistol" means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(b) The term "dealer" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term "Division" shall mean the State Law Enforcement Division.

(h) The terms "purchase" or "sell" mean to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(i) The term "person" shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company.

Sec. 16-23-30. Sale or delivery of pistol to and possession by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Article 3

Sec. 16-23-210. Definitions. When used in this article:

(a) The words "machine gun" apply to and include any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in

converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(b) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less then twenty-six inches or a barrel or barrels of less than eighteen inches in length.

(c) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(d) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than sixteen inches in length.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 16-23-220. Unlawful transportation of machine gun or sawed-off shotgun or rifle within State. It shall be unlawful for any person in any manner to transport from one place to another in this State or for any railroad company, express company or other common carrier or any officer, agent or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as provided in Secs. 16-23-250 and 23-31-330, any machine gun or firearm commonly known as a machine gun, sawed-off shotgun or sawed-off rifle.

Sec. 16-23-230. Unlawful storing, keeping or possessing machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle, except as provided in Secs. 16-23-250 and 23-31-330.

Sec. 16-23-240. Unlawful selling, renting or giving away of machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to sell, rent, give away or participate in any manner, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle.

Sec. 16-23-250. Exceptions to application of article. The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

The provisions of this article shall not apply to any manufacturer of machine guns licensed pursuant to the provisions of 18 U.S.C. Section 921 et. seq., nor to any common or contract carrier transporting or shipping any machine gun to or from such manufacturer if the transportation or shipment is not prohibited by federal law.

Sec. 16-23-270. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

Article 5

Sec. 16-23-280. Manufacture and sale of machine guns by licensed manufacturer. Notwithstanding the provisions of this article, machine guns manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally manufactured, transported, possessed and sold within the State by the manufacturer thereof.

Sec. 16-23-470. Illegal possession of tear-gas gun or ammunition. It shall be unlawful for anyone except duly authorized law enforcement officers to have in possession, use, transport, sell or buy any tear-gas machine or gun or any part thereof, or any ammunition or shells or equipment that may be used in a tear-gas gun or machine. Provided, however, that it shall be lawful for a person for self-defense purposes only to possess, use, transport, sell or buy tear-gas machines or guns or any parts thereof, or ammunition, shells or equipment for such tear-gas machines or guns, but the capacity of any such tear-gas cartridge, shell or container shall not exceed fifty cubic centimeters nor shall any such tear-gas machine or gun have the capability of shooting any cartridge, shell or container of more than fifty cubic centimeters. Any violation of this section shall be a misdemeanor and punishable by imprisonment for not less than one year nor more than five years or by a fine of not more than five thousand dollars, either or both, in the discretion of the court.

Except as otherwise permitted above, nothing in this section shall be construed to prohibit the purchase, sale, transportation or use of tear gas for the destruction of insects or rodents, provided such tear gas is not in containers or shells suitable for use in any tear-gas gun, equipment or machine and provided the purchaser has written authority for the purchase and use of such tear gas from the county agent of the county in which he resides.

Sec. 16-23-480. Manufacture or possession of article designed to cause damage by fire or other means. No person shall manufacture, cause to be manufactured, or possess any object or article which is designed to cause damage by fire or any other means to person or property either by ignition, detonation or other means, and further, no person shall possess any object or article when such object or article is possessed solely for the purpose of causing damage by fire or other means to person or property either by ignition, detonation or other means.

Title 23
Chapter 31
Article 1

Sec. 23-31-10. Purchase of rifle or shotgun in contiguous state. Any resident of

this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same in this State; *provided*, that the sale meets the lawful requirements of each such state, meets all lawful requirements of any Federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Article 3

Sec. 23-31-110. Definitions. (Editor's Note: The definitions in this Article are identical to those in Section 16-23-10 above.)

Sec. 23-31-130. Retail dealers shall be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 23-31-140. Completion and contents of application prior to purchase of pistol; further restrictions on purchase. Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the Division shall contain * * * (that information required in 23-31-140; contact State law enforcement authorities for details)

No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period; *provided*, however, that a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol * * *

No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purpose of this article, the possession of a valid South Carolina driver's license or South Carolina Highway Department Identification Card shall constitute proof of residency.

Sec. 23-31-150. Issuance, duration, conditions and forfeiture of retail dealer's license. The Division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this article. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols at retail as dealers within this State subject to the following conditions, for breach of any of which the license shall be forfeited:

* * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall any pistol be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be furnished by the Division shall be signed by the purchaser and by the dealer effecting the sale, each in the presence of the other and shall contain such information as may be required by the Division. * * *

* * * * *

Sec. 23-31-180. Certain pistols declared to be contraband; forfeiture and destruction of such. No licensed retail dealer shall possess in his place of business or sell any pistol or other handgun which has a die-cast frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit.

* * * * *

Article 5

Sec. 23-31-310. Definitions. When used in this article: (Editor's Note: The definitions in this Article are identical to those in Section 16-23-210 above.)

Sec. 23-31-320. Exceptions to application of article. The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

The provisions of this article shall not apply to any manufacturer of machine guns licensed pursuant to the provisions of 18 U.S.C. Section 921 et seq., nor to any common or contract carrier transporting or shipping any machine guns to or from such manufacturer if the transportation or shipment is not prohibited by federal law. Any such manufacturer shall furnish to the South Carolina Law Enforcement Division the serial numbers of all machine guns manufactured by it within thirty days of such manufacture * * *.

Sec. 23-31-330. Application and registration of person allowed to possess machine gun or sawed-off shotgun or rifle. Every person permitted by Sec. 23-31-320 to possess a machine gun, or sawed-off shotgun or sawed-off rifle, and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, or sawed-off shotgun or sawed-off rifle, upon taking office, shall file with the State Law Enforcement Division on a blank to be supplied by the Division on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun, or sawed-off shotgun or sawed-off rifle, which he possesses or desires to possess. Thereupon, the State Law Enforcement Division shall file such application in its office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun or sawed-off shotgun or sawed-off rifle in his possession. Such registration shall be made on the date application is received and filed with the State Law Enforcement Division and shall expire on December thirty-first of the year in which the license is issued.

Sec. 23-31-350. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

Aiken

Article I. Pistols and Other Weapons

Sec. 14A-1. Definitions. When used in this article:

(a) *Pistol* means any firearms designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or

any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term *dealer* means any person regularly engaged in the business of selling firearms at retail.

(c) The term *crime of violence* means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any of the aforesaid offenses.

(d) The term *fugitive from justice* means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term *subversive organization* means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, the State of South Carolina, or the City of Aiken, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term *conviction* as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

Sec. 14A-3. Sale to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, deliver, lease, rent, barter, exchange or transport for sale into this city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one (21), but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this city.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 14A-4. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * *.

Sec. 14A-5. Issuance of retail dealer's license; * * * conditions: The clerk of the city shall grant a license to any person doing business in the city not ineligible under the provisions of this article * * * permitting the license to sell pistols at retail within this city subject to the following conditions, for breach of any of which the license shall be forfeited:

* * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the city attorney, and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the City of Aiken] * * * and a statement signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization * * *.

Sec. 14A-7. Mortgage or pledge of pistol. Only a licensed dealer shall make a loan secured by a mortgage, deposit or pledge of a pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person.

Anderson

35-7. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Conviction. The term "conviction" shall include pleas of guilty, pleas of nolo contendere and forfeit of bail.

Crime of violence. Murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape; or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

Dealer. Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice. Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol. Any firearm designed to expel a projectile from a barrel less than twelve inches in length, but such term shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

35-9. Sale, etc., to certain persons prohibited; possession by such persons. It shall be unlawful for any persons to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of armed forces of the United States, active or reserve, national guard, state militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in subsections (a), (b), (c), or (d) of this section to possess or acquire pistols within this state.

35-10. Purchase, sale, possession, etc., of stolen, etc., pistol. No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

35-11. Retail dealer's license—required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in

his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by this article.

35-13. Same—Giving false information to secure, etc. No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

Andrews

10-14. Pistols, manufacturing, carrying and selling. It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty (20) inches long and three (3) pounds in weight; and, it shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such weapon in the Town; provided however that this does not apply to legally appointed state, county or Town police officers; * * *

Charleston

49-2. Possession, sale, etc., of tear gas bombs, etc. It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Cheraw

Sec. 12-45. Same—Pistols. It shall be unlawful for any person within the town to carry about his person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight, and it shall be unlawful for any person, firm or corporation to sell or offer for sale, lease, rent, barter, exchange or transport for sale or import for sale into the town any pistol of less length or weight; provided, that this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises. If upon conviction it shall appear to the satisfaction of the mayor or presiding officer of the municipal court before whom such offense is tried that the defendant had good reasons to fear injury to his person or property and carried such weapon to protect himself or property, he may in his discretion suspend the sentence, and nothing herein contained shall abridge the right of self defense as established by the laws of the state.

Upon conviction of the violation of this section, in addition to the general penalty, the weapon so carried shall be forfeited to the town.

Chester

Sec. 10-304.2. Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 10-304.3. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 10-304.4. Issuance of retail dealer's license; duration; conditions; forfeiture. The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of Sections 10-304 to 10-304.7 * * *

* * * * *

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [Contact local authorities for required contents] * * * and a statement [shall also be] signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization. The dealer shall retain the records for a period of three years from the date of sale or transfer to which the records relate.

* * * * *

Chesterfield

Sec. 6-24. Pistols, Manufacturing, Carrying and Selling. It shall be unlawful in the Town of Chesterfield for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this Town any pistol of less length and weight; * * * provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Clemson

Sec. 9-149 Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for * * * any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or treansport for sale or into the town any pistol [less than twenty (20) inches long and three (3) pounds in weight]. * * *

Florence

19-55. Weapons—carrying, sale, etc., of pistols of certain size and weight. It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight. * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Fort Mill

Sec. 4-22. Pistols—Sale restricted. No person shall sell, deliver, lease, rent, barter,

exchange or transport for sale any pistol to any person unless and until he has inquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Sec. 4-40 B. Definitions when used in this ordinance. (a) "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

D. Selling Pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this town any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State or Town, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c), or (d) of this section to possess or acquire pistols within this town.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

E. Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed.

F. Dealer Licenses. The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of this act in a standard form prescribed by the Attorney General, effective for two years from date of issuance, permitting the licensee to sell pistols at retail within this State subject to the following conditions, for breach of any of which the license shall be forfeited: * * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this act nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale [contact local authorities for required contents] * * *

Greenville

Sec. 31-4. Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for anyone to carry about his person, whether concealed or not, any pistol less than twenty (20) inches long and three (3) pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

37-24. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Conviction: Pleas of guilty, pleas of nolo contendere and forfeiture of bail as well as actual conviction by a court.

Crime of violence: Murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one (1) year.

Dealer: Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice: Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol: Any firearm designed to expel a projectile from a barrel less than twelve (12) inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization: Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one (1) of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

37-26. Sale, etc., to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. (a). It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(1) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(2) Any person who is a member of a subversive organization.

(3) Any person under the age of twenty-one (21) but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state militia or ROTC, when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(4) Any person who, by order of a circuit judge or county court judge of this state, has

been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(b) It shall be unlawful for any person covered in subsection (a) to possess or acquire pistols within this state.

(c) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

37-27. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * * * *

Greer

Sec. 31-1. "Pistol" defined. "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

* * * * *

Sec. 31-7. Sale, etc., of pistols to certain persons unlawful; possession or acquisition of pistols by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Inman

Section 12: * * * it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale in the corporate limits any pistol [of less than 20 inches in length and three pounds in weight].

Jackson

3-10(b) * * * sale, etc., of pistols. It shall be unlawful * * * for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this State any pistol * * * [less than twenty inches long and three pounds in weight.]

Jonesville

Section 1. * * * it shall be unlawful for any person or persons, firm, corporation or association to sell, barter, exchange, or give away to induce trade; or to offer for sale, exchange, barter or giving away to induce trade any such firearm or weapon as is usually designated and known as a "pistol".

* * * * *

Lake City

11. Firearms—carrying and sale generally. It shall be unlawful for any person to carry about the person, whether concealed or not, any firearm less than twenty inches long or less than three pounds in weight. It shall also be unlawful for any person to sell or offer for sale any firearm of less length or weight than herein stated; provided, however that this section shall not apply to peace officers in the actual discharge of their duty, nor to keeping and carrying pistols by persons while on their own premises.

Sec. 15-40. Sale of Pistols. No retail dealer in the City shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Laurens

10-25. (A) Manufacture, carriage, sale. It shall be unlawful in the city for anyone to carry about the person, whether concealed or not any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight; * * *

Marion

Sec. 12-44. Same—Minimum size of pistols. It shall be unlawful for * * * any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less [than 20 inches in length and three pounds in weight] * * *. Any violator of this section shall be guilty of a misdemeanor. This section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Myrtle Beach

Sec. 31-3. Carrying, manufacturing, selling, etc., of certain pistols prohibited; exceptions. It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such pistol in the city.

The provisions of this section shall not apply to legally appointed state, county or city police officers, nor shall this section prohibit the possession of any such pistol in the home or upon or within the private premises of a person within the city. * * * * *

Newberry

10-74. Same—Sale of pistols, rifles, etc. It shall be unlawful for any person, or any agent of any person in the city, to sell to any person any pistol, rifle or other species or kinds of firearms, except shotguns, unless the person purchasing the same, if a citizen of the city, has a permit in writing from the chief of police to purchase the same, or if not a citizen of the city, has a permit in writing from the sheriff of the county to purchase the same, such permit to specify the kind and amount of

firearms allowed to be purchased thereunder and to be filed with the person from whom the same is purchased, who shall within ten days after any sale file the permit with the officer issuing the same.

10-75. Same—Purchasing or receiving pistol, rifle, etc., without permit. It shall be unlawful for any person to purchase or receive in the city any firearm enumerated in the preceding section, without first having obtained the permit as provided in the preceding section.

New Ellenton

Sec. 11-44 * * * Minimum size of pistols. It shall be unlawful in the town * * * for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol [less than twenty (20) inches in length and three (3) pounds in weight] * * * provided, this section shall not apply to peace officers in the actual discharge of their duties * * *

Pacolet

Section 3-12. * * * from and after the passage of this ordinance * * * it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale in the corporate limits any pistol [of less than 20 inches in length and three pounds in weight].

Pageland

Sec. 10-41. Adoption of Criminal Law of State of South Carolina. All acts and conduct that constitute violation of the common law and the statutory law of the State of South Carolina are hereby declared unlawful in the Town of Pageland and when such acts, conduct or violations occur within the town insofar as such provisions and violations can have application within the town and the punishment of which is within the jurisdiction of the town.

Rock Hill

Sec. 25-36. * * * (Pistols)—Sale restricted. No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Spartanburg

24-72. Same—Firearms—Pistols under twenty inches long or three pounds in weight. It shall be unlawful for any person to carry about his person in the city, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city, any pistol of less length and weight. * * *

Wagener

Sec. 17-7. Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for anyone to * * * manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol of less [than twenty inches long and three pounds in weight] * * *.

South Dakota

State Law

S.D. Codified Laws

22-1-2. Definition of terms. Terms used in this title, and in other statutes which prescribe a penalty for a public offense, unless the context otherwise plainly requires, mean: * * *

(7) "Controlled weapon" includes a firearm silencer, machine gun, or short shotgun, as those terms are defined in subdivisions (16), (21) and (43) of this section;

(8) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, any of the same: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary, arson, kidnapping and any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;

(9) "Dangerous weapon" or "deadly weapon," any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm; * * *

(12) "Destructive device," (a) Any bomb, grenade, explosive missile, or similar device or any launching device therefor; or (b) Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited.

The term does not include "permissible fireworks" defined by Sec. 34-37-5; any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; surplus ordnance sold, loaned or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which is an antique or is a rifle which the owner intends to use solely for sporting purposes; * * *

(15) "Firearm," any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the word "gunpowder" includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges;

(16) "Firearm silencer," any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon; * * *

(21) "Machine gun," any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device; * * *

(30) "Pistol," any firearm with a barrel less than sixteen inches in length, designed to expel a projectile or projectiles by the action of an explosive; * * *

(42) "Short rifle," a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;

(43) "Short shotgun," a shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;

* * * * *

22-14-5. Possession of firearm with altered serial number as felony—Exception. Any person who possesses any firearm on which the manufacturer's serial number has been changed, altered, removed or obliterated is guilty of a Class 6 felony.

This section shall not apply to persons who have registered such firearms with the secretary of state as provided in sec. 23-7-42.

22-14-6. Possession of controlled weapon—Exceptions. Any person who knowingly possesses a controlled weapon is guilty of a Class 6 felony. Provided that, this section shall not apply to a person who:

(1) Is a law enforcement officer or a member of the armed forces of the United States or South Dakota national guard acting in the lawful discharge of his duties;

(2) Has a valid state or federal license issued pursuant to law for such weapon or has registered such weapon with the proper state or federal authority pursuant to law;

(3) Possesses a controlled weapon briefly after having found it or taken it from an aggressor; or

(4) Possesses a controlled weapon, except a machine gun or short shotgun, under circumstances which negate any purpose or likelihood that the weapon would be used unlawfully.

22-14-15. Possession of firearm by one with prior violent crime conviction as felony—Fifteen-year period. Any person who has been convicted in this state or elsewhere of a crime of violence, who has in his possession or under his control, a firearm, is guilty of a Class 6 felony. This section does not apply to any person who was last discharged from prison, jail, probation or parole, for a crime of violence more than fifteen years prior to the commission of the principal offense.

22-14-16. Providing firearm to person with known prior violent crime conviction as felony. Any person who knows that another person is prohibited by secs. 22-14-15 from possessing a firearm, and who knowingly gives, loans, or sells a firearm to that person is guilty of a Class 6 felony.

22-14-17. Antique firearms exempt from chapter—Firearms incapable of discharge exempt—Antique firearm defined. This chapter shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged.

An "antique firearm" is: (1) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; and (2) Any replica of any firearm described in subdivision (1) of this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

22-14A-4. Sale, transportation, or possession of destructive devices as felony—Increased penalty for prior violent crime conviction. Any person who knowingly sells, offers for sale, transports or possesses any destructive device is guilty of a Class 4 felony. If such person has been previously convicted of a crime of violence in this state or elsewhere, he is guilty of a Class 3 felony.

23-7-1. Definition of terms. "Pistol," as used in this chapter, means a pistol as defined in subdivision (30) of Sec. 22-1-2.

"Crime of violence" as used in this chapter, means a crime of violence as defined in subdivision (8) of Sec. 22-1-2.

"Antique firearm," as used in this chapter, means an antique firearm as defined in Sec. 22-14-17.

23-7-9. Delivery of pistol to purchaser—Waiting period—Wrapped and unloaded. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded.

23-7-11. Regulation does not apply to sale of pistols at wholesale. Sections 23-7-9 and 23-7-10 shall not apply to sales at wholesale.

* * * * *

23-7-18. Sale of pistol by retail dealer—Restrictions. No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

23-7-19. Sale of pistol by retail dealer—Record in triplicate, form and contents, distribution of copies. A true record in triplicate shall be made of every pistol sold in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered or certified mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years.

* * * * *

23-7-40. Purchase of rifles and shotguns by residents of South Dakota and contiguous states—Implementation of federal provisions. The state of South Dakota herewith permits residents of contiguous states and residents of this state, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearms accessories in South Dakota and in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922 (b), (3) (A) of Public Law 90-618 of the 90th United States Congress, second session.

Aberdeen

Pistol Dealers

9.1601 License. Any person, persons, firm or corporation desiring to engage in the business of selling pistols at retail shall, before engaging in such business, file with the City Auditor a written statement and application setting forth his or its intentions to engage in such business * * *.

* * * * *

Huron

5.44.010. License to sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the city auditor, a written statement and application setting forth his or its intention to engage in such business * * *.

Pierre

G. Sales to Minors. It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years * * *.

Sioux Falls

8.1802. Dealers to be licensed. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer within the limits of the City of Sioux Falls, any pistol without being licensed * * *

Watertown

12.0801: License to Sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the City Auditor, a written statement and application setting forth his or its intention to engage in such business [contact local authorities for required contents] * * *

Tennessee

State Law

Tenn. Code Ann.

Mental Health Law

33-317 * * * Supplying patient or resident [of a mental institution] with harmful substances * * *

* * * * *

(b) * * * any person who, without permission of the superintendent [of the institution], shall give or sell to any patient or resident, whether on the premises of the institution or elsewhere, knowing him to be a patient or resident, any firearms * * *, is guilty of a felony * * *.

Criminal Offenses

39-4904. Selling or disposing of dangerous weapons. It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any * * * prohibited weapon * * * [includes * * * a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon] * * *.

* * * * *

Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the sheriff and/or police chief may issue a written approval of such certificate, after investigation, within the fifteen (15) day period.

The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under Sec. 39-4902. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business.

Provided however, before any person, firm or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun, such person, firm or corporation shall obtain from the commissioner of revenue a permit to engage in such business in the state of Tennessee.

Prior to the issuance of such permit by the commissioner of revenue, the applicant shall furnish the commissioner of revenue a certificate of good moral character signed by the chief of police or the sheriff of the county in which the licensed premises shall be located. In the event the licensed premises are located in the corporate limits of a municipality, said certificate of moral character shall be signed by the chief of police. If the licensed premises are located outside the corporate limits of the municipality, the certificate of moral character shall be signed by the sheriff of the county. The certificate of moral character must state that the applicant or applicants who are to be in actual control of said business are of good moral character and are personally known to the official signing the certificate, and if the applicant be a corporation, that the executive officers of those in control are of good moral character and personally known to the official signing said certificate.

39-4905. Selling or giving weapons to minor—Penalty. Any person who sells, loans, or gives to any minor a pistol * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor, * * *

* * * * *

39-4915. Purchase of rifles and shotguns in contiguous states by residents of Tennessee. Any resident of the state of Tennessee who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

39-4917. Prohibited firearms—Definitions. For the purposes of Secs. 39-4917—39-4920 the following terms shall have the meanings ascribed in this section:

(a) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches (18") in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than eighteen inches (18") in length.

(b) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(c) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches (16") in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than sixteen inches (16") in length.

(d) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be

fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(e) "Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger; the frame or receiver of any such weapon; any combination of parts designed and intended for use in converting a weapon into a machine gun; and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(g) "Unserviceable firearm" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(h) "Manufactures any weapon" means making, putting together, altering, modifying, any combination of these, or otherwise producing a sawed-off shotgun, sawed-off rifle, or machine gun.

(i) "Sells or disposes of" means sells, offers for sale, assigns, pledges, leases, loans, gives away, transfers or otherwise disposes of.

(j) "Person" includes a corporation, firm, company, partnership or association.

39-4918. **Manufacture, possession or sale of sawed-off shotgun, sawed-off rifle, or machine gun—Penalty.** Any person who manufactures, imports, purchases, possesses, sells or disposes of, in this state, any weapon of the kind commonly known as a sawed-off shotgun, sawed-off rifle, or machine gun shall upon conviction thereof, for each offense, be imprisoned in the penitentiary for a term of not less than one (1) nor more than five (5) years; or in the county jail or workhouse for a term not to exceed one (1) year, or by fine not exceeding one thousand dollars ($1,000), or by both such fine and jail or workhouse sentence in the discretion of the court.

39-4919. **Exceptions to firearms restrictions.** The provisions of Sec. 39-4918 relating to sawed-off shotguns, sawed-off rifles, and machine guns shall not apply to or affect the following:

(a) The United States or any department, independent establishment or agency thereof; or the state of Tennessee, or any department or agency thereof, or any political subdivision thereof, or any official police organization or law enforcement agency of such government entity charged with enforcement of criminal laws or detention of persons convicted or accused of crime;

(b) The possession in the pursuit of official duty by a law enforcement, peace, police officer, or official or employee of a penitentiary, jail or other institution in the state of Tennessee for the detention of persons accused or convicted of crime, who is regularly employed and paid by the United States, this state or any political subdivision or governmental entity thereof as set forth in the preceding subsection (a);

(c) The possession by a member of the National Guard or the armed services or reserve forces of the United States who while serving therein possesses such weapon in the line of duty;

(d) Persons licensed by the state of Tennessee as manufacturers, importers, or dealers in such weapons provided that the manufacture, import, purchase, possession, sale or disposition of such weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to the classes designated in subsection (a) above;

(e) Any person who acquires or possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is validly registered to such person under federal law in the National Firearms Registration and Transfer Records. A person who acquires or possesses a firearm registered as required by this subsection shall retain proof of registration;

(f) Any person who possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is an unserviceable firearm.

Chattanooga

25-10. **Dangerous weapons—Sale.** It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, * * *; provided, that this section shall not apply to the sale of regular army and navy pistols.

Greeneville

5-101. **Sale of firearms.** Only persons, firms, or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to persons desiring same for the protection of their home or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale. The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Jackson

Sec. 19-10.1(c) adopts Sec. 39-4904 of Tenn. Code.

Knoxville

28-103. **Firearms—Sale.** (b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pis-

tols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, serial number, finish of the firearm, such as nickel.

Lawrenceburg

Section 1—Definitions

* * * * *

(3) "Explosive weapon" means any explosive, incendiary, or poison gas: (A) bomb; (B) grenade; (C) rocket; (D) mine; (E) shell, missile, or projectile that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage.

(4) "Firearm" means any weapon designed, made, or adapted to expel a projectile by the action of an explosive, or any device readily convertible to that use.

(5) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(6) "Handgun" means any firearm with a barrel length of less than twelve (12) inches that is designed, made, or adapted to be fired with one hand.

* * * * *

(9) "Machine gun" means any firearm that is capable of shooting more than two (2) shots automatically, without manual reloading, by a single function of the trigger.

(10) "Rifle" means any firearm designed, made, or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(11) "Short barrel" means a barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, or an overall firearm length of less than twenty-six (26) inches.

(12) "Shotgun" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger. * * * * *

Section III—Prohibited Weapons. (a) An individual, corporation, or association commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive or an explosive weapon;

(2) a device principally designed, made, or adapted for delivering or shooting an explosive weapon;

(3) a machine gun;

(4) a short-barrel rifle or shotgun;

(5) a firearm silencer;

(b) It is a defense to prosecution under this section that the actor's conduct:

(1) was incident to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution; or

(2) was incident to engaging in a lawful commercial or business transaction with an organization identified in subdivision (1); or

(3) was incident to using an explosive or an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) was incident to using the weapon in a manner reasonably related to a lawful dramatic performance or scientific research; or

(5) was incident to displaying the weapon in a public museum or exhibition.

(c) It is an affirmative defense to prosecution under this section, which the actor must prove by a preponderance of the evidence:

(1) that his conduct was incident to dealing with the weapon solely as a curio, ornament, or keepsake, and if the weapon is a type described in subsections (a)(1)-(a)(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) that his possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(d) An offense under subsections (a)(1)-(a)(5) is a felony; and offense under subsection (a)(6) is a misdemeanor.

Section IV—Unlawful Sale of Firearm. (a) An individual, corporation, or association commits an offense if:

(1) he intentionally, knowingly, or recklessly sells, loans, or makes a gift of a firearm to a minor; or

(2) he intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated:

(3) he intentionally, knowingly, recklessly, or with criminal negligence violates the provisions of Section V of this Ordinance.

(b) It is a defense to subsection (a)(1) that:

(1) a rifle or shotgun was sold, loaned, or given to a minor for the purposes of hunting; and

(2) the actor is not required to obtain a license under Section V of this Ordinance.

(c) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(d) An offense under this section is a misdemeanor.

Section V—Lawful Sale of Firearms. (a) Only persons, firms or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the City of Lawrenceburg. Firearms may be sold to persons desiring same for the protection of their homes or business or for target practice but for no other purpose.

(b) The sale of pistols and/or sidearms within the corporate limits of the City of Lawrenceburg to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

(c) Any person desiring to purchase a pistol or sidearm within the corporate limits of the City of Lawrenceburg shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the City of Lawrenceburg, a copy of the certificate as notice to such law enforcement officer of the pending sale.

(d) The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be

consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

(e) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Lebanon

10-212.1. Selling or disposing of dangerous weapons. It shall be unlawful to sell, or offer to sell, or to bring into the City of Lebanon for the purpose of selling, giving away, or otherwise disposing of any * * * prohibited weapon mentioned in section 10-212 (pistol, revolver, * * * except the army or navy pistol * * *). Provided, however, any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. * * *

* * * * *

* * * before any person, firm, or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun in the City of Lebanon, such person, firm, or corporation shall first obtain a permit.

McMinnville

12-54. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

Nashville—Davidson, Metro

Sec. 41-2-1. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

Sec. 41-2-2. Persons to whom firearms not to be sold, loaned or otherwise transferred. It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

Sec. 41-2-3. Persons forbidden to possess firearms. It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

Sec. 41-2-4. Stolen firearms. It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

Sec. 41-2-5. Obliteration, removal or alteration of manufacturer's identification mark or number. It shall be unlawful for any person to obliterate, remove change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or destroyed at the time of purchase.

Sec. 41-2-6. Firearms manufacturer's or dealer's license. (a) Application for a firearms manufacturer's or dealer's license shall be made to the metropolitan collections officer on forms prescribed and furnished by him. * * *

Sec. 41-2-9. Sale, lease or transfer to persons under twenty-one. No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

Sparta

10-249. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

Texas

State Law

Texas Codes Ann. (Vernon's)

Penal Code
Title 10.
Chapter 46. Weapons

Section 46.01. Chapter Definitions. In this chapter: * * * * * (2) "Explosive weapon" means any explosive, incendiary, or poison gas bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, and includes a device principally designed, made, or adapted for delivery or shooting an explosive weapon.

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include antique or curio firearms that were manufactured prior to 1899 and that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter.

(4) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(5) "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand.

* * * * * *

(9) "Machine gun" means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

(10) "Short-barrel firearm" means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.

* * * * * *

Sec. 46.05. Unlawful Possession of Firearm by Felon. (a) A person who has been convicted of a felony involving an act of violence or threatened violence to a person or property commits an offense if he possesses a firearm away from the premises where he lives. * * *

Sec. 46.06. Prohibited Weapons. (a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive weapon;
(2) a machine gun;
(3) a short-barrel firearm;
(4) a firearm silencer; * * *

(b) It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution.

(c) It is a defense to prosecution under this section that the actor's possession was pursuant to registration pursuant to the National Firearms Act, as amended.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct was incidental to dealing with a switchblade knife, springblade knife, or short-barrel firearm solely as an antique or curio.* * *

Sec. 46.07. Unlawful Transfer of Firearm. (a) A person commits an offense if he:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years any firearm; or

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated.

(b) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(c) It is an affirmative defense to prosecution under Subsection (a)(2) of this section that the transfer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the transfer was other than a sale, the parent or person having legal custody had given effective consent.* * *

Sec. 46.08. Interstate Purchase. A resident of this state may, if not otherwise precluded by law, purchase firearms, ammunition, reloading components, or firearm accessories in contiguous states. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90-618, 90th Congress.

Ballinger

Selling pistol to minor. 48. If any person, within the Corporate limits of the City of Ballinger, Texas, shall knowingly sell, rent, or lease any pistol to a minor or to any other person under the heat of passion, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than two hundred dollars.

Bellaire

Ordinance 1473.

1. No person shall make, carry, possess or use any type of "Molotov Cocktail," gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Bellaire, Texas.

2. The words "Molotov Cocktail" as used herein shall mean a gasoline or kerosene filled bottle or container with a fuse or wick inserted in the neck.

Deer Park

1. No person shall make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Deer Park, Texas. 2. The words "Molotov Cocktail", as used herein, shall mean a gasoline or kerosene filled bottle or container, with a fuse or wick inserted in the neck.

Fort Worth

15-423. Small arms ammunition. A. *"Small arms ammunition" defined.* Small arms ammunition, whenever used in this article, shall mean any shotgun, rifle, pistol or revolver cartridge.

B. Manufacture. No person shall manufacture any small arms ammunition within the city. This provision shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

C. Sale, etc. No person shall store for sale, sell or present for sale any small arms ammunition without a permit.

Harlingen

III. It shall hereafter be unlawful for any adult person to deliver to or place in the hands of, any minor under the age of seventeen (17) years any firearm * * *

IV. Firearms as used herein shall be defined to include any pistol, rifle, shot-gun, designed to propel any bullet, pellet, slug or metal object or other solid substance by means of force of an explosion of gun powder,

explosive liquid of any kind, or explosive gas of any kind.

Houston

Houston Code

* * * * *

Sec. 28-9. "Molotov cocktails", possession in public prohibited. It shall be unlawful for any person to have in his possession or on or about his person, upon any public street, alley, sidewalk, or other public place within the corporate limits of the city, any gasoline, kerosene, naphtha or any other volatile, inflammable or explosive liquid or substance and at the same time to have in his possession or on or about his person any container, susceptible to being broken, torn, shattered, or disassembled when thrown against or into any building or improvement.

* * * * *

Sec. 44-65. Pistol dealers. (a) There shall be levied and collected from every person engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit within the city, whether by wholesale or retail, an annual occupation tax of five dollars ($5.00), to be paid on or before January first of each year, and to be paid before continuing such business. Before engaging in such business, each such dealer shall obtain a license therefor, to be issued by the city assessor and collector of taxes.

(b) The word "pistol", as used in this section, shall include every kind of pistol, revolver, automatic, semi-automatic, magazine pistol, and every other short firearm intended or designed to be aimed or fired from one hand.

(c) No person shall be required to have the license provided for in this section or pay the tax levied herein where such person is engaged exclusively in selling pistols to the militia of the United States or other agencies of the federal government authorized by law to purchase the same.

Janesville

19.02 *** (2) Selling Certain Weapons Prohibited. No person shall sell any firearm, *** to any minor in the City of Janesville ***.

Midlothian

Ordinance 89

* * * * *

Section 2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City of Midlothian, any *** gun, revolver, pistol, cap or cartridge, *** in the City of Midlothian, provided, however, that this section shall not apply to the sale of any such article or articles by wholesalers to each other or to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Midlothian, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

San Antonio

26.27. Explosives, etc.; furnishing to minors. It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

15-135. Manufacture prohibited. (a) No person shall manufacture, within the limits of the city, small arms ammunition. This shall not be construed as prohibiting, the hand loading of small arms ammunition for private use and not for resale. For this purpose not more than 15 pounds of smokeless powder and 1,000 small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand, without a permit.

15-136. Permit required. No person shall store, sell or offer for sale any small arms ammunition without permit.

Southside Place

Sec. 10-9. Sale of firearms *** No person within the city shall sell, offer for sale or have in his possession for the purpose of sale any kind or any character of gun, revolver or pistol, ***.

Stephenville

Sec. 11-2. Sale, exhibit of fireworks. It shall be unlawful for any person to exhibit or have in his possession with intent to give away or sell or offer for sale or sell within the city any *** gun, revolver, pistol, cap or cartridge, ***.

Universal City

III. It shall be unlawful for any person within the corporate limits of the City Of Universal City to sell, give, or place in the possession of any person under the age of 16 years any leaded cartridge or any explosive of any kind, or any gun, toy gun, or cannon capable of exploding or discharging a bullet, pellet, or missile by means of any explosive cap or cartridge of any description.

Wichita Falls

Sec. 24-8. Sale of pistols. (A) Definitions:

Retailer. The word "retailer" shall include any person engaged in selling of any items, new or used, in single lots, regardless of price, to persons not commonly known to be in the business of retail selling.

Pistol. The word "pistol" shall include any pistol, derringer or revolver, except that in this section shall not include any antique pistol.

Antique pistol. The term "antique pistol" means:

(1) Any pistol (including any pistol with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898, and

(2) Any replica of any pistol described in subparagraph (1) if such replica: (a) Is not designed or redesigned for using rimfire or conventional centerfire ammunition, or (b) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(B) It shall be unlawful for any retailer to loan, sell, rent or otherwise transfer or to permit or cause to be loaned, sold, rented, or otherwise transferred, a pistol to any person except as set out in this section.

(C) The retailer shall obtain in writing upon duplicate forms to be supplied by the police department the [information required by local authorities] ***.

(D) Forward the original of the required form, listed in subsection (C), to the police department within ten (10) days after sale or transfer of possession of pistol.

(E) Maintain the duplicate copy on record at the retailer's place of business for twelve (12) months for inspection by any commissioned law enforcement officer.

Utah

State Law

Utah Code Ann.

76-10-306. "Infernal machine" defined: An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

76-10-308. Infernal machine—Construction or possession. Every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a felony of the third degree.

76-10-501. Definitions. For the purpose of this part: (1) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the wound produced, if any; and the manner in which the instrument, object, or thing was used shall be determinative.

(2) "Firearms" means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force.

(3) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.

(4) "Prohibited area" means any place where it is unlawful to discharge a weapon.

(5) "Crime of violence" means murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of the foregoing offenses.

(6) "Bureau" means the Utah state bureau of criminal identification.

76-10-503. Possession of dangerous weapon; Persons not permitted to have (1) Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the state of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part. * * *

(2) Any person who is on parole for a felony or is incarcerated at the Utah state prison shall not have in his possession or under his custody or control any dangerous weapon as defined in this part. * * *

76-10-509. Possession of dangerous weapon by minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

76-10-524. Purchase of firearms in contiguous states pursuant to federal law. This part will allow purchases of firearms and ammunition by residents in contiguous states pursuant to the Federal Fire Arms Gun Control Act of 1968, section 922, paragraph B, no. 3.

Clinton

* * * * *

33. Unlawful to Sell Firearms to Children Under Fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, * * * or any other such type instrument designed to propel or throw missiles.

Duchesne

Ordinance same as State Law
13-1050-1 same as 76-10-501
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Emery

Ordinance 13-1050-3 same as State Law 76-10-503(1) * * *.

Heber City

10-28. Firearms: Selling to Minors Under Fourteen: Any person who sells, gives, or disposes of, or offers to sell, give or dispose of any pistol, gun, target gun, or other firearm, to any person under the age of fourteen years, is guilty of an offense.

Henrieville

Ordinance same as State Law
13-1050-1 same as 76-10-501
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Honeyville

Ordinance 13-1050-3 same as State Law 76-10-503(1)

Hurricane

Ordinance same as State Law
13-1036 same as 76-10-306
13-1038 same as 76-10-308
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Logan

12-7-10. Revolvers, sale to minors, display prohibited. It shall be unlawful for any person, firm or corporation to exchange with, buy from, or sell to any minor under the age of eighteen (18) years any gun, pistol or revolver; or to show or display any pistol or revolver in any window or showcase in this city.

12-12-9. Sales to intoxicated persons and minors. No person in Logan City shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years of age.

Mount Pleasant

15-6-5. Unlawful to Sell Firearms to Children under Fourteen. It shall be un-

lawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm * * *

Murray

17-6. Sales of firearms and other weapons prohibited. It shall be unlawful for any person to sell, give or furnish to any minor any firearm * * *.

20-23. Firearms and explosives—Permit for purchase. It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of police authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. * * *

Panguitch

Ordinance same as State Law
13-1050-1 same as 76-10-308
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Paragonah

Ordinance same as State Law
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Payson

7-05-040 Minors—Sale to—Prohibited. It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm * * *

7-05-050 Sale of Firearms to be Recorded—Purchaser to Register Weapon. It shall be unlawful for any person to sell, loan, or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose * * *

Plain City

Ordinance same as State Law
13-1050-1 same as 76-10-501
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Richmond City

Ordinance same as State Law
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

River Heights

Ordinance same as State Law
13-1036 same as 76-10-306
13-1038 same as 76-10-308
13-1050-1 same as 76-10-501
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Salt Lake City

Sec. 32-6-5. Unlawful to sell firearms to children under fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, * * * or any other such type instrument designed to propel or throw missiles.

Salt Lake County

16-4-1. Unlawful use of weapons. (1) A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufacturers, purchases, possesses or carries any * * * shotgun with a barrel less than eighteen inches in length, * * * or

(f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16-4-3. Record of sale. It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, * * *

16-4-4. Seller to require permit. It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16-4-5. Obtaining weapons without permit illegal. It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16-4-8. Furnishing to minors. It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell or to furnish to any minor, any instrumentality named in the above-mentioned provisions.

South Salt Lake

Sec. 8B-2-7. Firearms. Any person who sells, gives away, or disposes of, or offers to sell, give away, or dispose of any pistol, gun, target gun, or other firearm to any person under the age of fourteen (14) years is guilty of a misdemeanor.

Tooele City

Ordinance 11-10-24 same as State Law 76-10-509

Toquerville

Ordinance same as State Law
13-1050-1 same as 76-10-501
13-1050-3 same as 76-10-503(1)
13-1050-9 same as 76-10-509

Vermont

State Law

Vt. Stat. Ann.

Title 13

Sec. 4006. Record of firearm sales. All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all secondhand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of

the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his name to the record * * *.

Sec. 4007. Furnishing firearms to children. A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than $50.00 nor less than $10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

Sec. 4008. Possession of firearms by children. A child under the age of sixteen years shall not, without the consent of his parents or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. * * *.

Sec. 4010. Gun silencers. A person who manufacturers, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined $25.00 for each offense. * * *.

Sec. 4013. Zip guns; * * *. A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, * * * shall be imprisoned not more than ninety days or fined not more than $100.00.

Sec. 4014. Purchase of firearms in contiguous states. Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

Virginia

State Law

Code of Va.

15.1-525. Same [Pistols and revolvers]; in certain counties. Chapter 297 of the Acts of 1944, approved March twenty-nine, nineteen hundred forty-four, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

Title 18.2

Sec. 18.2-288. Definitions. When used in this article: [Article 5]

(1) "Machine gun" applies to any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-289. Use of machine gun for crime of violence. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

Sec. 18.2-290. Use of machine gun for aggressive purpose. Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Sec. 18.2-291. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun has not been registered as required in Sec. 18.2-295; or

(4) When empty or loaded shells which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

Sec. 18.2-292. Presence prima facie evidence of use. The presence of a machine gun in any room, boat or vehicle shall be prima facie evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

Sec. 18.2-293. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, machine guns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) Machine guns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-293.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with:

(1) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; and

(2) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

Provided, however, that possession of such machine guns shall be subject to the provisions of Sec. 18.2-295.

Sec. 18.2-295. Registration of machine guns. Every machine gun in this State shall be registered with the Department of State Police within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed shall be notarized and shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall upon registration required in this section forthwith furnish the registrant with a certificate of registration, which shall be valid as long as the registrant remains the same. Certificates of registration shall be retained by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a Class 3 misdemeanor, and any peace officer, may without warrant, seize the machine gun and apply for its confiscation as provided in Sec. 18.2-296. Upon transferring a registered machine gun, the transferor shall forthwith notify the Superintendent in writing, setting forth the date of transfer and name and address of the transferee. Failure to give the required notification shall constitute a Class 3 misdemeanor. Registration data shall not be subject to inspection by the public.

Sec. 18.2-299. Definitions. When used in this article: [Article 6.]

(1) "Sawed-off shotgun" applies to any weapon, loaded or unloaded, originally de-

signed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-300. Possession or use of "sawed-off" shotgun—A. Possession or use of a "sawed-off" shotgun in the perpetration or attempted perpetration of a crime of violence is a Class 2 felony.

B. Possession or use of a "sawed-off" shotgun for any other purpose, except as permitted by Sec. 18.2-303, is a Class 4 felony.

Sec. 18.2-303. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, "sawed-off" shotguns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-303.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with the possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

Sec. 18.2-309. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Sec. 58-394. Pistol dealers. Every person, firm or corporation engaged in the business of selling pistols at retail shall pay for such privilege a special license tax of five dollars per annum. * * *

59.1-148.1. Purchase of firearms in contiguous state. Any resident of the Commonwealth of Virginia, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same into the Commonwealth of Virginia provided the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Abingdon

Sec. 29-6. Selling pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. * * *.

Alexandria

Article II

Sec. 41-7. Condition of pistol or revolver when delivered to purchaser. Every pistol or revolver sold or otherwise disposed of by a pistol or revolver dealer shall be securely wrapped and unloaded when delivered.

Sec. 41-8. Procedure for sale of pistols or revolvers; sale to certain persons prohibited. Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, [contact local authorities for required contents] * * *.

* * * No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

* * * * *

Sec. 41-9. Record of pistols or revolvers sold or disposed of. Every person delivering or disposing of a pistol or revolver shall make in duplicate a true record of every such weapon sold or otherwise disposed of, which record shall be personally signed by the purchaser or person receiving the weapon and also by the person making the sale or disposition in the presence of each other. * * *

Division 2. Permits for Engaging in Business as Dealers.

Sec. 41-13. Required. Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the superintendent of police to permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58-394, of the Code of Virginia, and of any city revenue license.

* * * * *

Appomattox

17-4. Sale, etc., of guns * * *, to minors under age of eighteen years. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Arlington County

Chapter 297

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may

grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

11-47. Pistol dealers. Every person selling pistols in the county shall pay for the privilege an annual license tax of twenty-five dollars, which-tax shall not be prorated. Before issuing any license under the provisions of this section the Commissioner of the Revenue shall obtain from the applicant evidence that he has obtained a permit from the Chief of Police in accordance with Acts of Assembly 1944, Chapter 297.

Bedford

Sec. 14-72. (Weapons)—Furnishing pistols, * * * to minors under eighteen years of age. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Big Stone Gap

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

10-56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Bridgewater

4-37. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol * * * tear gas pen, or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.

Bristol

9-8. Definition. "Small arms ammunition", wherever used in this division, shall be taken to mean any shotgun, rifle, pistol or revolver cartridges.

9-9. Permit for manufacture, etc. No person shall manufacture or reload within the city any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

9-10. Permit for sale, etc. No person shall store for sale, or sell or offer for sale any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

Brunswick County

Sellers to obtain identity of purchaser; * * * In obtaining the name and address of the purchaser, * * * if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment * * *.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

15-47. Dealers in firearms * * * No person shall sell firearms, dirks or Bowie knives without having first procured a license therefor. * * *

17-35. (Firearms)—Sales, etc., to minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age.

17-36. (Firearms)—Sales of firearms. Permit required. No person shall sell firearms, * * * without having first procured an annual permit from the city manager to engage in such business.

Chase City

Sec. 13-20. Minors generally—Furnishing certain weapons * * * to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * *, having good cause to believe him to be a minor under eighteen years of age, * * * such person shall be guilty of a misdemeanor * * *.

Chesapeake

Sec. 17-60. Same—Permit generally. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, * * * or any weapon of like kind, unless and until a permit, granted by the chief of police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Chesterfield

Sec. 12-169. Pistol dealers—License required; tax. Any person engaged in the business of selling pistols and revolvers to the public shall obtain an annual county pistol dealer's license * * *.

Sec. 15-162. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor * * *.

Clifton Forge

13-44. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any mi-

nor under eighteen (18) years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen (18) years of age. * * *

Colonial Heights

Sec. 15-53. * * * Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

Clintwood

Chapter 10

Section 56. Furnishing certain weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * *, having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Covington

Sec. 17-3. Furnishing weapon to minor. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age, any pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Sec. 17-4. Furnishing ammunition to minor. It shall be unlawful for any person to sell, give, lend, barter or furnish or cause to be sold, given, lent, bartered or furnished to any person under the age of eighteen years any gunpowder or similar explosive substance, shells, cartridges, shot or pellets.

Sec. 17-5. Possession, transportation of certain weapons by minors. (a) It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge, or exploding any powder or similar substance, or propelling any ball, bullet, shot or pellet or similar object, by any means, for a distance of more than fifty (50) feet. * * *

Culpeper

27-4. Furnishing certain weapons to minors. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age. * * *.

Damascus

Sec. 14-25. (Weapons)—Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor * * *.

Elkton

33-2. Sale of certain weapons to minors under age of eighteen years. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, * * * tear gas, pen or gun, or other weapon of like kind, having good cause to believe him to be a minor under eighteen years of age.

Emporia

Sec. 14-75.—Pistol permit required prior to purchase. It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase. * * *

Sec. 14-76.—Exhibiting pistol permit to seller. It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

Fairfax City

1966-2B. (A) Definitions. The following terms, whenever used in this article shall have the meanings respectively set forth in this section, unless a different meaning is clearly required by the context:

"Applicant." Any person, firm, or corporation applying to the Chief of Police for certificate of registration to sell firearms or for authority to purchase a pistol.

"Chief of Police." The Chief of the City of Fairfax Police Department or his designated agent.

"Crime of Violence." Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem, and assault.

"Fixed Ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Habitual Drunkard." Any person who has been convicted of being drunk in public three or more times within a period of one year.

"Licensed Dealer." Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the City of Fairfax, who is either licensed, or required to be licensed, as such under State or Federal Law.

"Person." As used in this Ordinance includes individual, firm, association, or corporation.

"Pistol." Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

(B) Dealers registration required * * *. (1) Any person, before engaging in the business of selling at retail or renting pistols in the City of Fairfax, Virginia, shall be required to register with the Chief of Police on application forms furnished by the Chief of Police. * * *

(C) Dealers not to sell, etc., without registration. (1) It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail or renting pistols without having in force a registration approved by the Chief of Police as hereinbefore provided. * * *

(E) Dealers not to sell, etc., to minors and other persons. (1) No licensed dealer, or other person, shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 21 years of age, a pistol, having good cause to believe him to be a minor under 21 years of age nor shall any licensed dealer or other person sell, lend, rent, or otherwise transfer any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past 10 years, or is a drug addict, or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent, or otherwise acquire a pistol by the Chief of Police under the provisions of this article.

(F) Acquisition of pistols from dealers or other persons. (1) Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer or other person shall make application under oath on forms provided by the Chief of Police * * *.

(G) Approval of application. (1) No licensed dealer or other person shall sell, rent, or transfer, any pistol to any purchaser who

does not exhibit an application approved by the Chief of Police.

(H) **Waiting period for sale of pistols.** (1) Except as hereinafter provided the Chief of Police shall approve the application of a purchaser of a pistol within 72 hours of the delivery of the same to the Chief of Police, excluding Saturdays, Sundays, and Holidays, unless he shall find one or more of the enumerated statements on the application to be untrue.

(2) Where the applicant is a nonresident of the City of Fairfax, but has been a resident of the State of Virginia for more than 3 years, immediately preceding the date of application the aforesaid time shall be extended to 5 days.

(3) Where the applicant is a nonresident or has not resided in the State of Virginia for a period of 3 years next preceding the date of application the time shall be extended to 30 days.

(I) **Notice of rejection.** (1) If, within the prescribed period, the Chief of Police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the application was rejected * * * it shall be unlawful for the dealer to deliver the pistol to the applicant.

(2) A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

(K) **Exemptions.** (1) This article shall not apply to: (a) purchases by any licensed dealer registered in accordance with the provisions of this article; (b) rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range; (c) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs; (d) a wholesale purchase from a licensed dealer by any person, firm or corporation engaged in the business of manufacturing, repairing, or selling pistols at retail.

Fairfax County

Sec. 6-1-1. Definitions. When used in this article, the following words shall have the following meanings, unless the context clearly requires a different meaning:

* * * * * *

(2) **Firearm** shall mean any weapon which will, or is designed to, or may be readily converted to, expel a projectile or projectiles by the action of an explosive; provided, that stud nailing guns, rivet guns and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

(3) **Gun** shall mean and includes rifles, shotguns, pistols, or other firearms, and also includes any air gun, air rifle or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.

* * * * * *

(5) **Pistol** shall mean a gun having a barrel of less than sixteen (16) inches in length.

* * * * * *

(7) **Rifle** shall mean a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.

(8) **Shotgun** shall mean a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire thorugh through smooth bore one or a number of ball shot for each pull of the trigger.

(9) **Starting pistols** shall mean any device which is designed or functions to [simulate] the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm as defined in this Section.

Sec. 6-1-5. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or starting pistol as defined by section 6-1-1, or any projectile therefor within the county to a minor under the age of eighteen (18) years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Sec. 6-3-1. Definitions. The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

(1) Chief of police. The chief of the county police department or his designated agent.

(2) Crime of violence. Any of the following crimes or an attempt to commit any of the same: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and assault.

(3) Habitual drunkard. Any person who has been convicted of being drunk in public three or more times within a period of one year.

(4) Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

(5) Licensed dealer. Any person engaged in the business of selling at retail or renting pistols in the county who is either licensed or required to be licensed as such under state or federal law.

(6) Pistol. Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

Sec. 6-3-2. Registration of dealers—Required; application; * * * (a) Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police.* * *

Sec. 6-3-3. Dealer's registration certificate required; * * *. (a) It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police as hereinbefore provided. * * *

Sec. 6-3-5. Sale of pistols to minors, drug addicts, habitual drunkards, and others prohibited. (a) No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age a pistol, having good cause to believe him to be a minor under eighteen (18) years of age, nor shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.

Sec. 6-3-6. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application on forms provided by the chief of police, which shall be signed in duplicate by such person [contact local authorities for required contents] * * *.

Sec. 6-3-7. Waiting period prior to delivery of pistol to purchaser—Required. No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police. The chief of police shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 6-3-8. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, (2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application, (3) has been convicted of a crime of violence or (4) is an habitual drunkard, it

shall be unlawful for the dealer to deliver the pistol to the applicant.

Falls Church

Sec. 24-46. Sales of weapons to minors. It shall be unlawful to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Sec. 40-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Any of the following crimes, or any attempt to commit any of the same: Murder, manslaughter; rape; mayhem; maliciously disfiguring another; abduction; kidnapping; burglary; house-breaking; larceny; any assault with intent to kill, commit rape or robbery; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

Machine gun. Any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or twenty-two calibre rifle.

Pistols. Any firearm with a barrel less than twelve inches in length.

Sawed-off shotgun. Any shotgun with a barrel less than twenty inches in length.

Sell and purchase. Includes letting or hiring and similar forms of transferring.

Sec. 40-3. Unlawful possession of pistol. (a) No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the city if:

(1) He is a drug addict.

(2) He has been convicted in the city or elsewhere of a felony.

(3) He has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house.

(4) He is not licensed under section 40-10 to sell weapons, and he has been convicted of violating section 40-2.

(5) He is a habitual drunkard.

(b) No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard. Whoever violates this section shall be punished as provided in this Code, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be confined for not more than one year in jail.

Sec. 40-7. Sales of pistols to certain persons prohibited. No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 40-3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

Sec. 40-8. Transfers of firearms regulated. No seller shall within the city deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof; except, that the chief of police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. * * * The seller shall, within six hours after such application, or not later than 10:00 A.M. on the succeeding day, sign and attach his address and deliver one copy to such person as the chief of police of the city may designate, and shall retain the other copy for six years. The chief of police or his designate shall, upon receipt of an application to purchase a pistol, make such investigation of the applicant and file an information report with the seller stating whether or not the applicant is, in his opinion, prohibited by section 40-3 or 40-7 from purchasing a pistol. No machine gun, sawed-off shotgun or blackjack shall be sold to any person other than the persons designated in section 40-14 as entitled to possess the same and then only after permission to make such sale has been obtained from the chief of police of the city. This section shall not apply to sales at wholesale to licensed dealers.

Sec. 40-9. Weapon dealer's license—Required. No retail dealer shall, within the city, sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun or blackjack without being licensed as provided in section 40-10. No wholesale dealer shall, within the city, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

Sec. 40-10. Same—Issuance; conditions; records. The city council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns and blackjacks at retail within the city subject to the following conditions, in addition to those specified in section 40-9 for breach of any of which the license shall be subject to forfeiture and the licensee subject to the punishment as provided in this Code:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

(3) No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 40-3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in section 40-14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the city.

(4) A true record shall be made in a book kept for the purpose [contact local authorities for required contents] * * *

(5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun and blackjack sold, such record to be made in a book kept for the purpose [contact local authorities for required contents] * * *

(6) No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of the premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

Sec. 40-11. False information forbidden in sale of weapons. No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun or blackjack within the city, give false information or offer false evidence of his identity.

Sec. 40-12. Alteration of identifying marks of weapons. No person shall within the city, change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol, machine gun or sawed-off shotgun. Possession of any pistol, machine gun or sawed-off shotgun upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered or obliterated the same within the city; provided, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the city engaged in experimental work.

* * * * *

Sec. 40-14. Possession of certain dangerous weapons prohibited. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, that machine guns or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy or Marine Corps of the United States, the National Guard or organized reserves when on duty, the Post Office Department or its em-

ployees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities or other valuables, wholesale dealers and retail dealers licensed under section 40-10.

Farmville

Sec. 18-49.[Weapons]—Permits for purchase and sale. (a) No person within the town shall purchase or otherwise procure as his own property or for temporary use any pistol * * * or any weapon of like kind unless and until that person shall procure from the chief of police a permit in writing signed by the chief of police, granting the person permission to make the purchase or procure the weapon.* * * * *

Sec. 18-50. Same—Sale to minors. It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good reason to believe him to be a minor under eighteen years of age.

Follansbee

Sec. 14-44, Weapons—Sale, etc., by merchants of certain weapons to minors prohibited. It shall be unlawful for any storekeeper, merchant, or proprietor or employee of any business establishment within the city to sell, give, lend, lease or distribute to any minor * * * or any other rifle, gun or other weapon, mechanical device or toy of like character capable of shooting bullets, shots * * * or other dangerous missiles.

Franklin

31-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Fredericksburg

Sec. 17.2-7. Furnishing certain weapons. * * * to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor (a pistol,) * * * having good cause to believe him to be a minor, such person shall be guilty * * *

Front Royal

Sec. 32-2. Furnishing pistols, * * *, to minors under eighteen years of age. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Galax

Sec. 11-93. Same—Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Greensville County

* * * it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. * * * it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

Sec. 22-81. Pistol Dealers. Every person engaged in the business of selling pistols shall pay an annual license tax * * *.

41-4. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Harrisonburg

19-53. Same—Furnishing to persons under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Henrico County

Ordinance 80

Section 3. Permits (a) Every person desiring a license * * * to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the Chief of Police for a permit * * *. * * *

Herndon

Sec. 27-4. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any dealer to give, sell, rent, lend or otherwise transfer any gun or any projectile therefor within the town to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Gun Dealers Generally

Sec. 27-8. Permit—Required. It shall be unlawful for any dealer, except a dealer holding a permit under this article, to sell, lend or otherwise transfer any gun or projectile therefor. It shall be unlawful for any dealer to rent any gun or projectile therefor to another person.

* * * * *

Pistols

Sec. 27-13. Registration of dealers—Required; application. (a) Any person, before engaging in the business of selling at retail or renting pistols in the town, shall register with the town sergeant on application forms furnished by the town sergeant. * * *

* * * * *

Sec. 27-17. Same—Engaging in business while unregistered prohibited. It shall be

unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the town sergeant as provided in this article.

Sec. 27-18. Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited. No dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any dealer sell, lend, rent or otherwise transfer any pistol to any person who such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the town sergeant under the provisions of this article.

Sec. 27-19. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a dealer shall make application on forms provided by the town sergeant, [contact local authorities for required contents] * * * Within eight hours after receipt of such application, the dealer who proposes to sell a pistol shall sign and attach his address and mail or deliver one copy of such statement to the town sergeant. A duplicate of the application shall be retained by the dealer for six years.

Sec. 27-20. Waiting period prior to delivery of pistol to purchaser—Required. No dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the town sergeant. The town sergeant shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 27-21. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the town sergeant shall inform, in writing, which shall not be privileged, the dealer who proposes to sell the pistol that the applicant to purchase such pistol is [not eligible] * * * it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the town sergeant shall be furnished the applicant by the dealer.

* * * * *

Hopewell

Sec. 41-3. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Jarratt

Section 1. (A) * * * it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(B) * * * it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(C) * * * it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(D) * * * it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

Section II. (A) * * * it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.

(B) * * * it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.

Kilmarnock

Chapter 26—Weapons

Sec. 26-5. Furnishing pistols, dirks, etc., to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating this section shall be fined * * *.

Leesburg

24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lexington

Sec. 27-5. Sale, etc., of guns * * * to minors under age of eighteen years. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, * * * pistol, cartridge, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Luray

28-5. Furnishing pistols, * * * to minors under eighteen years of age. If any person sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lynchburg

33-2. Selling, etc., dangerous weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, any firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether

such firearms be called "toy pistols," "toy guns," or otherwise.

Manassas Park

30-4. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Middletown

Sec. 16-5. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Narrows

45. * * * it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any * * * small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such * * * small caliber firearm.

Newport News

Sec. 42-1. Sale of firearms and revolvers. It shall be unlawful for any person to sell to any individual under eighteen years of age any firearm of any type or any deadly weapon of whatever nature, or the ammunition thereof.

It shall be unlawful for any person to sell to any individual under twenty-one years of age any firearm being a revolver, pistol or handgun, or firearm of similar nature, or the ammunition thereof.

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet by the action of gunpowder exploded within it.

Sec. 42-22. Statement of purchases, etc.—Generally. It shall be unlawful for any dealer to sell or otherwise transfer any pistol without first having obtained a signed statement from the purchaser of such pistol or from the transferee thereof [contact local authorities for required statement] * * *.

Norfolk

Sec. 51-5. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars.

Sec. 51-7. Permit for purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, * * * unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, * * *

Petersburg

Article II. Purchase, Sale, etc.

Sec. 48-8. Permits to buy, etc., pistol, dirk, etc. No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol * * * unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such purchase or to procure such weapon; and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give, or deliver to any person within the city any pistol, * * * unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low powered rifles or rifle ammunition therefor of twenty-two calibre and under, commonly used for target practice purposes.

Sec. 48-11. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Poquoson

Sec. 31-5. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made contruction; provided, however, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Sec. 31-7. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Portsmouth

Section 21-35. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Section 21-39. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Section 21-42. Permit required to obtain weapon from dealer. Before any person purchases or otherwise acquires from a dealer any pistol, * * * or any weapon of a like kind, he shall obtain a permit therefor from the chief of police.

Pound

Chapter 10

* * * * *

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having

good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

* * * * *

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, * * * or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, * * * or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

* * * * *

Radford

Sec. 14-30. (Weapons)—Sale of certain weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars.

Richmond

Sec. 22-38 Weapons—Definitions. When used in sections 22-38 to 22-48 the following words shall have the meanings ascribed to them as follows:

Ammunition. An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol or toy rifle.

Firearm. A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

Minor. A person under the age of twenty-one years. A person of the age of eighteen years or older may purchase weapons and ammunition other than hand guns or hand gun ammunition.

Sec. 22-41. Same—Sale or exchange. No person shall sell or exchange within the city limits any pistol, * * * or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such weapon is sold or exchanged * * *

Sec. 22-42. Same—Purchase. No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, * * * or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that in this section [nothing] shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

Sec. 22-48. Same—Same—Sale, etc., of ammunition, firearms to. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

* * * * *

Sec. 29-126. Permits from director of public safety required for certain licenses. (a) Every person desiring * * * to sell or offer to sell at retail pistols or revolvers or to buy at retail or otherwise acquire a pistol or revolver under the provisions of section 29-238 of this Code, * * * shall first apply to the director of public safety for a permit (contact local authorities for requirements).

Rocky Mount

Sec. 12-86. Furnishing pistols, * * * to minors under eighteen years of age. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

* * * * *

Round Hill

Sec. 24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Salem

Sec. 31-6. Selling, etc., pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

* * * * *

Smithfield

Sec. 12-14. Any person in the town who offers for sale any pistol or revolver, when requested by a prospective purchaser to sell him such a firearm, shall first send the purchaser to the chief of police * * *.

The chief of police shall fill out a report either authorizing or declining to authorize the purchase of the weapon and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if the report does not authorize the sale, the seller shall not complete the sale.

Southampton County

18-1. Pistol permit. No person shall purchase a pistol within the county without obtaining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser [contact local authorities for additional requirements] * * *

18-6. Selling pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Stanley

31. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol * * * tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.

Staunton

30-2. Selling, etc., to minor under eighteen. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor

and be fined not less than twenty-five dollars nor more than one hundred dollars.

Strasburg

32-5. Furnishing pistols, * * * to minors under eighteen years of age. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating the foregoing provisions of this section shall be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Suffolk

Section 1: Offense. No person shall sell, lease, rent, give, or otherwise furnish within the City of Suffolk any pistol, revolver, or similar type of handgun unless and until the person who is to acquire such shall present to the proposed seller, lessor or giver a permit issued by the Chief of Police of the City * * * authorizing the holder of such permit to acquire such weapon, * * *

Section 2: Persons to whom such permits shall not be issued. No permit required by Section 1 herein shall be issued to any person under the age of eighteen (18) years, to any convicted felon, to any person who at the time of application is charged with a crime involving violence, to any person acquitted of a felony on the basis of insanity, or to any patient of a mental institution, or to any person on furlough therefrom.

Virginia Beach

Chapter 38

* * * * *

Sec. 38-5. Permit prerequisite to purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, * * * or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city. Each person filing for a permit shall pay to the city treasurer an application fee of three dollars.

Section 38-6 Possession and discharge of firearms, etc, by minors. It shall be unlawful for any person under the age of fifteen to have in his possession or use any firearm, shotgun, * * * provided, that such minor may possess and use the above mentioned weapons subject, however, to the provisions of Section 38-2 and only under the immediate supervision of an adult. * * *

Warrenton

Sec. 24-6. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Waverly

* * * no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.

Waynesboro

Sec. 16-14. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms * * *

Wise

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Woodstock

Sec. 11-51. Pistol dealers. Every person selling pistols in the town, in addition to any other tax provided, shall pay for the privilege a license tax of ten dollars per annum, which license tax shall not be prorated.

Sec. 28-6. Furnishing pistols, * * * to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Wytheville

9-1. Furnishing certain weapons to certain minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age * * *.

Virgin Islands

V.I. Code

Title 23

Sec. 451. Definitions. As used in this chapter, unless the context clearly requires otherwise—

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air, gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who en-

gages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

(h) "Machine gun" means any firearm which shoots automatically or semi-automatically more than 12 shots without reloading * * *.

Sec. 452. Applicability of chapter. No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

Sec. 453. Persons who may lawfully carry firearms. (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

(1) Members of the Armed Forces of the United States or of the organized reserves.

(2) Officers and employees of the United States duly authorized by Federal law to carry firearms.

(3) Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

(4) Members of the police force of the Virgin Islands, marshals, or other duly authorized peace officers.

(5) Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

Sec. 454. Persons who may be licensed to carry firearms. A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this chapter:

(1) An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

(2) An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; And provided, That the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

(3) A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

(4) A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

(5) With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

Sec. 461. License to sell firearms and/or ammunition; gunsmiths; report of transactions; private transfer sales to minors or aliens. (a) No person may engage in the business of dealer in firearms and/or ammunition or as a gunsmith without holding a license therefor issued by the Commissioner of Finance upon favorable report of the Commissioner of Public Safety.

* * * * *

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

Sec. 463. Qualifications of dealer or gunsmith. No license to engage in the business of gunsmith or of dealer in firearms and/or ammunition shall be issued to a person not over 21 years of age, and not a resident of the Virgin Islands and a citizen of the United States.

When the applicant is a corporation, it shall be organized under the laws of the Virgin Islands, and if a partnership, all partners shall be residents of the Virgin Islands and citizens of the United States.

Sec. 465. Conditions for dealers' operations * * * Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

* * * * *

(3) Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

* * * * *

Sec. 466. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

Sec. 467. Selling firearms without a license. Whoever, without being licensed in accordance with the provisions of this chapter, sells, has in his possession with the intent to sell, exposes for sale, or advertises for sale, any firearm or ammunition, or without being so licensed engages in the business of a gunsmith, shall be punished [as prescribed by law] * * *.

Sec. 476. Collections of antique firearms; certificates of uselessness. No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

Washington

State Law

Wash. Rev. Code Ann.

Title 9

9.40.110 "Fire bombs"—Definitions. For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120—Penalty. Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

9.40.130—Exceptions. RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

Chapter 9.41—Firearms and Dangerous Weapons

9.41.010 Terms defined.

"Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

9.41.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.080. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. Sales regulated—Application to purchase—Grounds for denial. In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093. Exemptions. The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.110. Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited. The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. * * *.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

9.41.140. Alteration of identifying marks—Exceptions. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by cur-

rent manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. Exemptions. RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. Alien's license to carry firearms. It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. Machine guns prohibited. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200. Machine gun defined. For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

9.41.240. Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Title 19

19.70.010. Out-of-state purchasing authorized. Residents of Washington may purchase rifles and shotguns in a state other than Washington: Provided, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States Secretary of the Treasury: And provided further, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

Title 26

26.28.080. Certain acts prohibited * * *
Every person who: * * *
(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;
Shall be guilty of a gross misdemeanor.

Aberdeen

4565-4. It shall be unlawful for any person within the City of Aberdeen to sell, give away, loan or cause to be sold, given or loaned, to any minor under the age of 18 years, any gun, revolver, pistol or the cartridges therefor.

4565-8. It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time within the City of Aberdeen any shotgun, rifle or other firearms without first having obtained a license from the Director of Licenses * * *

Arlington

9.28.010 Definitions. (a) "Dangerous weapon" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and includes compressed air rifles and pistols and slingshots.

(b) "Firearm" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

9.28.020 Possession of arms. Every person who has been convicted in this state or elsewhere of a crime of violence, who owns a firearm or has one in his possession under his control, is guilty of a misdemeanor.

9.28.050 Forbidden deliveries. Every person who delivers a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, is guilty of a misdemeanor.

9.28.060 Forbidden transfers. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another who is known, or with reasonable knowledge believed to have suicidal tendencies, or otherwise deliver a pistol contrary to the provisions of this title. Every person violating this section is guilty of a misdemeanor.

9.28.080 False information forbidden. Every person who, in purchasing or otherwise securing delivery of a pistol, gives false information or offers false evidence of his identity, is guilty of a misdemeanor.

9.28.090 Exceptions. The provisions of this chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.28.100 Machine guns and parts contraband. All machine guns, or parts thereof, illegally held or possessed are declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, or parts thereof, wherever and whenever found.

9.28.110 Dangerous weapons. Every person who * * * uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

* * * * *

9.28.140 Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or for other purposes. Ev-

ery person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, is guilty of a misdemeanor.

Auburn

7.04.360 Short firearm *** defined. "Short firearm" as used in Sections 7.04.370 through 7.04.530 means any firearm with a barrel less than twelve inches in length. * * *.

7.04.371 Definitions. The following words and phrases shall have the following meanings:

(1) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(3) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(4) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

7.04.372 Pistol sale—Record sent to police chief. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any such merchant, business or secondhand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record, in triplicate, of every pistol sold or disposed of. The written record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] * * * One copy of the record shall within six hours after the signing be sent by registered mail to the chief of police, or in the alternative, may be personally delivered to the office of the chief of police within such period of time, and the chief of police, shall, within seventy-two hours, exclusive of Sundays and legal holidays, investigate the information contained in the record, and shall notify the merchant within such time period if the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter.

7.04.373 Pistol sale—Waiting period required. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any merchant, business or secondhand dealer, to deliver any pistol to any purchaser unless the merchant, business or secondhand dealer has mailed or personally delivered a copy of the record to the chief of police as required by Section 7.04.372 and the seventy-two hour waiting period after delivery of the notice as provided in Section 7.04.372 has expired without the receipt of a notice from the chief of police that the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter, provided that this section shall not apply to sales at wholesale, and further shall not apply to the sale of antique pistols exempt by the provisions of RCW 9.41.150, as amended, and provided further that when delivered said pistol shall be securely wrapped and shall be unloaded.

7.04.374 Pistol purchase forbidden to convicted persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol, in the city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

7.04.380 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

7.04.420 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

7.04.430 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

7.04.450 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

7.04.490 Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.04.500 Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

7.04.510 Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Bellevue

Firearms and Weapons

10.20.010. Definitions. "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than 12 inches in length. "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary, and kidnaping.

* * * * *

10.20.030. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

* * * * *

10.20.070. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

10.20.080. Pistol Sales Regulated A. No pistol shall be sold:

1. In violation of any provision of RCW 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the sellers or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours

shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application * * * and a statement * * * [contact local authorities for required contents]. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police * * *.

10.20.090. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

* * * * *

10.20.120. False information in obtaining pistol. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

* * * * *

10.20.140. Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

10.20.150. Machine gun defined. For the purpose of this chapter a machine gun means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

10.20.160. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

10.20.270 Application. It shall be unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain * * * a statement signed by the purchaser [contact local authorities for required contents] * * *. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within, seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

10.20.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 10.20.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

10.28.290 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addtion or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any person to fail to disclose such information when applying for the purchase of a pistol.

Bellingham

17.32.040. Sale to minor prohibited. The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.

Blaine

6-2647: "Short Firearms"; "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length.

"Crime of Violence" as used in this Chapter means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

6-2650: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

6-2654: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind.

6-2655: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, birthplace, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this State or elsewhere of a crime of violence. * * *

6-2656: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

6-2657: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan; shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-2661: Machine guns; Prohibition: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use; or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the Armed Forces of the United States or the State of Washington.

6-2662: Machine gun defined: For the purpose of this Chapter a machine gun is de-

fined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five (5) or more shots per second.

Bonney Lake

5.07.010 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015 Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *

5.07.016 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017 Certain transfers forbidden. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this Ordinance.

Bothell

10.1. Firearm defined. The word firearm shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or spring, or similar device.

10.2. Dangerous weapon defined. The word dangerous weapon shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and shall include compressed air rifles and pistols and slingshots.

10.3. Pistol defined. The word pistol as used in this ordinance means any firearm with a barrel less than twelve (12) inches in length.

10.4. Certain persons forbidden to possess firearms. No person who has been convicted in this state of elsewhere of a crime of violence, shall own a firearm or have one in his possession or under his control.

10.7. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.9. Sale of cartridge, ammunition or gunpowder forbidden to certain minors. No person shall give, sell, or otherwise make available to any minor under the age of 16 years any cartridge or ammunition for firearms or the ingredients thereof: Provided that this section shall not apply to a parent or guardian who provides such minor with ammunition for a use which is lawful.

10.12. Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller, within 6 hours after such application is made, shall sign and attach his address and forward by registered mail or deliver by hand one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.13. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

10.14. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit, or pledge of a firearm for a loan. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies, or otherwise deliver a pistol contrary to the provision of this ordinance.

* * * * *

10.16. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity or address.

10.17. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

10.18. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of a police officer to seize said machine gun, or parts thereof.

10.19 Dangerous Weapons. Every person * * * who shall possess or use any contrivance or device for supressing the noise of any firearm, shall be guilty of a misdemeanor. * * *

Bremerton

9.45.010 Record of Revolver Sales—Report. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose any revolver or pistol to any person at retail, without entering in a book to be kept for that purpose, in the English language, written in ink, at the time of such sale or disposition [the contents required by local authorities] * * * and requiring the person to whom such revolver or pistol is sold, given away or disposed of to sign his name, in ink, in such a book opposite the record of such transaction, or to fail, neglect or refuse to allow the chief of police, or any police officer to inspect said book at any reasonable time or to fail, neglect or refuse to send to the city clerk before the hour of nine a.m. of any day, a complete transcript of the entries of said book for the previous day.

Brier

The city of Brier has adopted the language of the State firearms laws, including sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Buckley

10.40.040 Certain persons forbidden to possess arms: No person who has been convicted in this state or elsewhere of a crime of

violence shall own a pistol or have one in his possession or under his control.

10.40.080 Delivery restricted: No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.40.090 Selling. In addition to the other requirements or RCW sections 9.41.010 through 9.41.150, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof * * * and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

* * * * *

10.40.100 Pistol dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110 and 18 U.S.C. Sec. 923.

10.40.110 Dealer loans—transfer of pistols: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.40.140 Antique pistols excepted: This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10.40.150 Machine guns prohibited: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

10.40.160 Machine gun defined: For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, a submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

10.40.170 Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine guns, or parts thereof, whereever and whenever found.

Camas

6.12.010 Giving to minors under eighteen or intoxicated persons prohibited. It shall be unlawful for any person, persons, firm or corporation, to sell, barter, exchange, give or otherwise dispose of any firearm or dangerous explosive, to any minor under the age of eighteen (18) years, or to any person in an intoxicated condition within the city limits of the City of Camas, Washington.

Carnation

H. Delivery to Minors and Other Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

I. Pistol Sales Regulated. No person shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application shall sign and attach his address and forward by registered mail one copy of such statement to the Town Marshall or Chief of Police, * * *. This section shall not apply to sales at wholesale.

J. Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in this possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

K. Certain Transfers of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock or pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

O. Machine Guns Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

P. Machine Gun Defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Q. Machine Guns or Parts Contraband. All machine guns or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof wherever and whenever found.

R. Penalty for Dangerous Weapons. Every person * * * who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Centralia

Ordinance 462

Dealer in deadly weapons or fire arms. Sec. 1. License. Any person engaging in the business of selling or offering to sell any pistol, revolver, derringer, * * * or other weapon of like character that can be concealed on the person, shall first obtain a license as a dealer in deadly weapons or firearms, and it shall be unlawful for any person licensed, to sell or give away any such weapon without reporting said sale or gift in the manner elsewhere provided, and it shall be unlawful for any person licensed, to sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon as herein provided.

Sec. 2. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * which can be concealed on the person, without first securing from the Chief of Police a permit so to do. Before any such permit is

granted, an application in writing shall be made therefor [contact local authorities for required contents] * * *

* * * * *

Chelan

27. Minors, * * * selling * * * firearm to. Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

Des Moines

9.24.010. "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" or "Pistol" used in this Article means any firearm with a barrel less than twelve inches (12") in length. "Crime of Violence" as used in this Article means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

* * * * *

9.24.030. Certain Persons Forbidden to Possess Arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

* * * * *

9.24.080. Delivery to Minors and Others Forbidden: No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

9.24.090. Sales Regulated: No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded. [At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing such information as the municipality may prescribe]. * * *

9.24.100. Dealers to be Licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

9.24.110. Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

9.24.140. Exceptions: This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

9.24.150. Machine Guns—Prohibition: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

9.24.160. Machine Gun Defined: For the purpose of this title a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

East Wenatchee

8.04.113 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 years or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Edmonds

5.12.068 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. * * *

No person shall deliver a pistol to any person under the age of twenty-one, or to anyone whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard, or of unsound mind.

No person shall, in the purchasing or securing delivery of a pistol or in applying for a license to carry the same, give false information or other false evidence of his identity.

The provisions of this section shall not apply to any antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

5.12.076 Dangerous weapons. Any person who shall, * * * use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Elma

9.98.070 Pistol—Delivery to certain persons prohibited. No person shall deliver a pistol to a person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

9.98.090 Pistol—Sales regulation procedure. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours have elapsed from the time of the application for the purchase thereof; * * *

9.98.100 Pistol—Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

9.98.110 Pistol—Certain transfers prohibited or restricted. No person, other than a duly licensed dealer under RCW 9.41.110, shall make any loan secured by a mortgage, deposit or pledge for a loan. * * * A duly licensed dealer may mortage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

9.98.140 Antique pistols excepted. This chapter does not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Enumclaw

RCW	
9.30.030	adopts 9.41.040
9.30.070	adopts 9.41.080
9.30.080	adopts 9.41.090
9.30.090	adopts 9.41.093
9.30.110	adopts 9.41.100
9.30.130	adopts 9.41.120

Everett

9.76.010 Sale of firearms to minor. It is unlawful for any person or persons to sell or offer for sale any revolver or pistol, within this city, to any person under the age of eighteen years, and every person who sells, gives,

furnishes or causes to be furnished to any person under the age of eighteen years, any revolver or pistol or other pocket weapon in which explosives may be used, is guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars or shall be imprisoned for six months or both such fine and imprisonment.

9.92.030 Prohibited purchasers. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Everson

Ordinance 165

Section 3.e. Sales to intoxicated persons and minors. No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ferndale

521.09A.010 Definitions.

A. "Crime of violence," as used in this article, means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

B. "Short firearm" or "pistol," as used in this article, means any firearm with a barrel less than twelve inches in length.

521.09A.030 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

521.09A.070 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

521.09A.080 Pistol sales regulated. A. No pistol shall be sold:

1. In violation of any provisions of RCW 9.41.160; nor.

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * * and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addition or habitual drunkenness, and is not legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police. * * * This section shall not apply to sales at wholesale.

521.09A.090 Pistol dealers to be licensed. No retail dealer shall sell or otherewise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

521.09A.130 Exceptions of unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

521.09A.140 Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States of the state.

521.09A.150 Machine gun defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

521.09B Pistols

* * * * *

521.09B.010 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary and kidnapping.

B. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1889 and held as collector's items.

521.09B.020 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

521.09B.030 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police [see 521.09A.080(B), (C)] that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exlcusive of Sundays and holidays,

after he has mailed a copy of the record to the chief of police * * * then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to person exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

521.09B.040 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Fircrest

Section VI. Firearms.

a. "Short firearm" and "crime of violence" defined. "Short Firearm" as used in this ordinance means any firearm with a barrel less than 12 inches in length.

"Crime of violence" as used in this ordinance means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

d. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

* * * * *

g. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

h. Dealer's licenses. Any person desiring to sell pistols within the Town of Fircrest shall obtain a license in the form prescribed by statute * * *.

* * * * *

3. No pistol shall be sold in violation of state law or this ordinance, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

* * * * *

5. This section shall not apply to sales at wholesale. * * *

* * * * *

i. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this ordinance, and the laws of the State of Washington.

* * * * *

l. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

m. Machine guns—Prohibition. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

n. Machine gun defined. For the purposes of this ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

* * * * *

Grandview

I. Firearms and weapons

7.78.010 Definitions. A. "Crime of violence," as used in this article, means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary and kidnaping.

B. "Short firearm" or "pistol" as used in this article, means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less then twelve inches in length, but shall not include pistols or revolvers manufactured prior to 1898 and held as collector's items.

* * * * *

7.78.070 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of chronic alcoholism or has been confined to a mental institution.

7.78.080 Pistol sales regulated. A. No pistol shall be sold:

1. In violation of any provisions of RCW 9.41.010 through 9.41.160; nor

2. Under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing (the information and purchaser's statement required by 7.78.080(C); contact local authorities for requirements) * * *. The chief of police shall maintain a file containing the original of the application to purchase a pistol. This section shall not apply to sales at wholesale.

* * * * *

7.78.090 Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol, without being licensed as provided by law under the requirements of RCW 9.41.110.

* * * * *

7.78.110 Alteration of identifying marks on pistol prohibited. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

* * * * *

7.78.140 Machineguns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machinegun or any part thereof capable of use or assembling or repairing any machinegun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

7.78.150 Machinegun defined. For the purpose of this article a "machinegun" means any firearm or weapon known as a machinegun, mechanical rifle, submachinegun and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammu-

nition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

* * * * *

II. Pistols

7.78.260 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary and kidnaping.

B. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who, by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include pistols or revolvers manufactured prior to 1898 and held as collector's items.

7.78.270 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain (the information and purchaser's statement required by 7.78.270; contact local authorities for details) * * *. One copy shall within six hours be sent by registered mail to the chief of police of the cty who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

7.78.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or chronic alcoholism and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 7.78.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

7.78.290 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction, or of habitual drunkenness or chronic alcoholism or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Kennewick

10.12.050. Sale to minors prohibited. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

King County

12.48.010 Definitions. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

12.48.020 Sale and registration. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] * * *

12.48.030 Delivery following sheriff's report. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the sheriff * * * provided that if such merchant or secondhand dealer does not receive such report from the sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the sheriff as required by Section 12.48.020, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

12.48.040 Purchase unlawful for certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Kirkland

11.28.030 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

11.28.120 Pistol—Delivery to purchaser. In addition to the other requirements of Sections 11.28.110 through 11.28.180, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

11.28.130 Pistol—Purchasing—Information required—Procedure. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * *. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the city. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter, unless the seller is notified in writing by the chief of police of the city of denial. * * *

* * * * *

11.28.150 Pistol—Dealer—License required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as a dealer pursuant to RCW Chapter 9.41.

11.28.160 Sale of pistols—Conformance required. No pistol shall be sold in violation of any provisions of Sections 11.28.110 through 11.28.180, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. Sales by wholesalers to dealers and the sale of antique pistols as herein defined shall be exempt from the provisions of Sections 11.28.110 through 11.28.180.

11.28.170 Possession of firearms by prohibited persons unlawful. It is unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" as amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.28.180 Noncitizens—License required. It is unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to noncitizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

Kitsap County

Ordinance 25

1. No person who has been convicted in this State or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

3. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a drunkard or of unsound mind.

4. No person other than a dealer duly licensed by the State of Washington shall make any loan secured by a mortgage, deposit or pledge of a pistol. * * *

7. This Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

8. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as hereinafter provided.

9. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase therof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *.

Lake Forest Park

Chapter 6. Firearms.

6.1. "Crime of Violence" Defined. "Crime of Violence" as used in this ordinance means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary, and kidnapping.

6.2 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession under his control.

* * * * *

6.6. Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

6.7. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.8. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of the Revised Code of Washington, Section 9.41.110.

6.9. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this ordinance.

* * * * *

6.11. False information forbidden. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

6.12. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

Lake Stevens

33.01.380 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

33.01.420 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

33.01.430 Dealers to be licensed. No retail dealer shall sell, or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

33.01.440 Dealer's licenses, by whom granted and condition, thereof—Wholesale sales excepted. The Town Marshal shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue, permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as hereinafter provided:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold in violation of any of the provisions of Sections 33.01.360 through 33.01.470 of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, and a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the

person effecting the sale, each in the presence of the other, and shall contain [that information required by local authorities]. Only one copy shall within six hours be sent by registered mail to the Town Marshal; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

* * * * *

33.01.490 Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any marshal, or any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

33.01.500 Machine gun defined. For the purpose of this chapter a machine gun is defined as a firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom the rate of five or more shots per second.

Langley

121-6: Every person who shall sell, give, furnish or cause to be furnished to any person under the age of sixteen (16) years, any revolver, pistol, toy pistol, or other pocket weapon in which explosives may be used, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Five Dollars ($5.00), or more than Twenty-five Dollars ($25.00).

Longview

15-4. Possession by convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

15-7. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

15-8. Sales by dealers. Sales by dealers shall be regulated as hereinafter provided: (a) The City Clerk of said city shall grant licenses in forms prescribed by the Washington State Director of Licenses * * * (3) No pistol shall be sold (a) in violation of any provisions of this Chapter, nor, (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

15-9. Dealer's license. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any short firearm without being licensed as provided by law.

15-13. Antiques; excepted. This Chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

15-15. Machine guns—Defined. A machine gun is herein defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

15-16. Same—Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

Lynwood

10.04.360. Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

10.04.370. Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

10.04.400. Persons convicted of crimes of violence not to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

10.04.450. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

10.04.460. Use of firearms by minor. No minor under the age of sixteen years shall handle or have in his possession, or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind, for hunting or target practice, or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such party to violate the same, shall be guilty of a misdemeanor.

10.04.470. Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.04.480. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.04.490. Certain transfers of weapons prohibited. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

10.04.510. Purchasing weapon by use of false information. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

10.04.520. Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Marysville

6.64.010. Definitions. Short firearm, pistol. The term "short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length. Crime of violence. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnaping.

6.64.040. Convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

6.64.080. Prohibited pistol delivery. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.64.090. Commercial sales of pistols—records. The chief of police shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue, permitting the licensee to sell pistols within this city * * *.

6.64.100. Pistol dealers—license required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

6.64.110. Prohibited transfer of pistols. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter. * * *

6.64.140. Unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.64.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

6.64.160. Machine gun defined. For the purpose of this chapter a "machine gun" is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separate mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

McCleary

Ordinance 70

Section I It shall be unlawful for any person under the age of sixteen years to have in his possession any fire arms * * * within the city limits of the Town of McCleary unless accompanied by and under the supervision of a parent or legal guardian.

* * * * *

Medical Lake

258. Section 29. Minors * * * Selling * * * Firearms to: Every person who— * * * * * 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

* * * * *

Mercer Island

7.505.07. Certain acts prohibited—belief minor in representative capacity, no defense—penalty. Every person who: * * *: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years any revolver or pistol, shall be guilty of a misdemeanor.

Monroe City

* * * * *

9.18.030 Certain Persons Forbidden to Possess Arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

* * * * *

9.18.070 Delivery to Minors and Certain Others Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

9.18.080 Pistol Sales Regulated. A. No pistol shall be sold:

1. In violation of any provisions of R.CW. 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * *

9.18.090 Pistol Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of R.C.W. 9.41.110.

9.18.100 Certain Transfer of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers as provided by R.C.W. Chapter 19.60. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

* * * * *

9.18.120 False Information in Obtaining Pistol. No person shall, in purchasing or otherwise delivery of a pistol or in applying for a license to carry the pistol, give false information or offer false evidence of his identity.

9.18.130 Exceptions for Unusable Pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.18.140 Machine Guns Prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun

or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

9.18.150 Machine Gun Defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

* * * * *

9.18.170 Dangerous Weapons—Evidence. Every person who * * * uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

II. Pistols

9.18.260 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary, and kidnaping.

B. "Fugitive from justice" mean a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

9.18.270 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, * * * [contact local authorities for required contents] * * * and a statement [shall also be] signed by the purchaser that he not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

9.18.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined in a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police with seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 9.18.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to R.C.W. 9.41.070, or to sales to law enforcement officers.

9.18.290 Prohibited Transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state of elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Mountlake Terrace

5.07.010. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015. Sales regulated. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] * * * One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution: provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5.07.016. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. * * * No person shall lend or give a firearm to another known, or with reasonable knowledge believed to have suicidal tendencies or otherwise deliver

a pistol contrary to the provisions of this ordinance.

* * * * *

5.07.019. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

5.07.020. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

5.07.021. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

* * * * *

5.07.023. Definitions. The word firearm shall include but be not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

Mount Vernon

Ordinance 9.72.065 same as Washington State Law 9.41.080.

Normandy Park

7.24.030 Delivery restricted. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.24.080 Possession restrictions. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

7.24.110 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan, shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

7.24.140 Antique pistols exempted. This title shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.24.150 Machine guns. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.24.160 Machine gun defined. For the purpose of this title, "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, bolt, or other separable mechanical device for steering, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

North Bend

9.72.030: No person shall deliver a pistol to any person under the age of eighteen years or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

* * * * *

9.72.040 Pistol—Purchase—False information. No person shall, if purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

9.72.070 Firearm—Possession by minor unlawful when. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes.

Ocean Shores

7.28.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7.28.080. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. Pistol sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

7.28.100. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.110. Certain transfers of pistols forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

7.28.140. Exceptions for unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.28.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.28.160. Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Olympia

Section 1. It shall be unlawful for any person, firm or corporation, to purchase any gun, pistol, firearm, or other deadly weapon, or any ammunition or explosive of any kind or character, without first obtaining a written permit therefor from the Chief of Police of the City of Olympia.

chase, he shall in such report so notify said merchant or secondhand dealer stating the grounds for such denial; provided, that such application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind; provided further, that this section and Section 12A.17.100 shall not apply to sales by wholesalers to dealers, or to the sale of antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

Section 12A.17.100 Unlawful delivery to purchaser. It is unlawful for any merchant or secondhand dealer or as any clerk, agent, or employee of any merchant or secondhand dealer to knowingly deliver any pistol to any purchaser until seventy-two hours, exclusive of Sundays and holidays, shall have elapsed from the time of application for the purchase thereof as provided in Section 2 hereof; and it is further unlawful for any merchant or secondhand dealer, or any such clerk, agent or employee to knowingly deliver any pistol to any purchaser whose application to purchase has been denied by the chief of police and the merchant or secondhand dealer so notified in writing as provided in Section 2 hereof within such seventy-two hour period. * * * Provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 12A.17.080, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070 or 12A.17.040 of this title or to sales to peace officers.

Section 12A.17.120 Unlawful purchases—False statements. It is unlawful for any person who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who is legally judged to be of unsound mind to purchase a pistol in this city, and it is further unlawful for any person to knowingly make any false statement in his application to purchase a pistol.

Section 12A.24.040 Unlawful purchase, acquisition, possession or use of arms. A person is guilty of unlawful purchase, acquisition, possession or use of arms if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses any firearm of any kind or any spring gun, air gun or slingshot, or any ammunition for any such firearm or gun, except while accompanied by or under the immediate charge of his parent or legal guardian or other adult approved for the purpose of this section by such parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class.

Section 12A.24.050 Unlawful aiding the purchase, acquisition, possession or use of arms. A person is guilty of unlawfully aiding the purchase, acquisition, possession or use of arms if he knowingly aids in a violation of or permits any person to violate the provisions of Section 12A.24.040.

Section 12A.24.060 Unlawful furnishing, purchase, acquisition, possession or use of pistol. Notwithstanding the provisions of 12A.24.040 and 12A.24.050 a person is guilty of unlawful furnishing, purchase, acquisition, possession or use of a pistol if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses a pistol as defined by Section 12A.17.010(1), or if he is a person who knowingly sells, gives, furnishes or causes to be furnished or permits to be sold, given or furnished a pistol to any person under the age of eighteen (18) years, or if he is a person who knowingly permits a person under the age of eighteen (18) years to possess or use a pistol.

Sedro Woolley

9.76.010 Pistol defined. "Pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

9.76.020 Convicted persons owning pistol. No person who has been convicted in this state, or elsewhere, of a crime of violence shall own a pistol or have one in his possession or under his control.

9.76.080 Use by minors. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor as at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for any other purposes. Any person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Shelton City

9.04.270 Selling or giving revolvers or pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Snohomish

941-36 Selling, etc., of revolvers and pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

The city of Spokane has adopted the language of the State firearms laws including Sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Spokane County

6.05.050. Persons prohibited from owning or possessing pistol. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6.05.060 Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

6.05.070. Giving of false information prohibited. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

6.05.090. Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Sumas

8.44.040 Possession—Restrictions. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

8.44.080 Restrictions on delivery. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind.

8.44.090 Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

8.44.100 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise trans-

Section 2: The application for such permit shall be in writing and shall state the name of the person, firm or corporation, from whom such purchase is to be made, the kind of firearm, ammunition, or explosive desired, and the purpose for which it is to be used.

Section 3: The issuance of such permit shall be in the discretion of the Chief of Police. * * * no person, firm, or corporation, shall sell any gun, pistol, firearm, deadly weapon, ammunition, or explosive without first obtaining from the purchaser a permit so issued by the Chief of Police. * * *

Pasco

9.24.060 Selling revolvers and pistols to minors. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Puyallup

9.28.04 same as 9.45.010 Bremerton

Raymond

5.040.010. It shall be unlawful for any person, firm, or corporation to sell any firearms * * * to minors.

* * * * *

Redmond

Redmond has adopted, by reference, Chapter 9.41 of the Washington Revised Code Annotated.

Renton

Firearms

6-137: "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length.

6-140: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6-144: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

6-145: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller shall within six (6) hours after such application, sign and attach his address and forward by registered mail one (1) copy of such statement to the Chief of Police; the duplicate duly signed by the seller, shall within seven (7) days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six (6) years. This Section shall not apply to sales at wholesale.

6-146: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided by law.

6-147: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-148: False information forbidden: No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

6-150: Exceptions: This Chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6-151: Machine guns; prohibited: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

6-152: Machine gun defined: For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

6-153: Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Richland

9.04.280. Selling, etc., of revolvers and pistols to minors less than eighteen. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Seattle

Section 12A.17.010 Definitons. The following definitions apply in this chapter.

(1) "pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical, combustion, or otherwise and having a barrel less than twelve inches in length.

(2) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

* * * * *

(5) "gas pen," "gas pencil," "gas bomb" and "gas pistol" mean any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

Section 12A.17.080 Unlawful sale of pistol. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to knowingly sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record in triplicate of every pistol sold or disposed of. Such record, which shall be in the form of an application for purchase, shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] * * * One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report in writing his findings to the merchant or secondhand dealer, and if the chief of police denies such application to pur-

fer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

8.44.150 Machine guns—Prohibition. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun, provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

8.44.160 Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

Tacoma

8.66.030. Sale to minors under eighteen. No person shall, within the City of Tacoma, sell, give or loan, or cause to be sold, given or loaned, to any minor under the age of eighteen years, any gun, revolver, pistol, toy pistol, or the cartridges therefor, * * *

8.66.080. Definitions. The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

8.66.090. Records required before sale. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the locality; Contact local authorities for required contents] * * *. One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. Delivery prohibited prior to receipt of records. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. Sales prohibited to certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Tukwila

8.12.010. Definitions. * * * (d) "Other dangerous weapon" means any instrument not elsewhere defined in this chapter which is capable of producing bodily harm and which is carried or possessed with intent to use the same unlawfully against another. * * * (f) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length. * * *

8.12.020. Unlawful use of weapons. (a) It is unlawful for anyone to: * * * (2) * * * sell or give away to any person under eighteen years of age any * * * other dangerous weapon, or for any such person to purchase or possess any such * * * other dangerous weapon; or * * * (5) Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm.

Tumwater

7.04.350 Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.04.360 Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion or gunpowder or similar substance.

7.04.430 Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

7.04.450 Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement * * * that he has never been convicted in this state or elsewhere of a crime of violence.

7.04.460 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.04.470 Certain transfers of weapons prohibited. No person other than a duly licensed dealer under RCW 9.41.110 shall make any loan secured by a mortgage, deposit or pledge for a loan.

* * * * *

7.04.500 Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person under the age of eighteen years any revolver or pistol.

Section II: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Winslow

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person under the age of eighteen years any revolver or pistol.

Section 11: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Woodland

9.80.010 Definitions. * * * "Crime of violence" as used in this title means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

* * * * *

9.80.040 Possession—Prohibited. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

9.80.050 Delivery to minors and addicts. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

9.80.060 Certain transfers prohibited. * * * No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title, and the laws of the state.

* * * * *

9.80.080 Antique pistols. Chapters 9.80, 9.84 and 9.88 shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

Yakima

8.28.010. Use by minors. No person under the age of twenty-one years shall be issued a county license for the possession and use of a handgun or pistol. Persons twenty-one years of age or over may be issued licenses for handguns and pistols subject to RCW 9.41.070.

Yelm

9.32.020 Pistol—Forbidden to certain persons. No person, who has been convicted, in this state or elsewhere of a crime of violence, who is a drug addict, or who has been confined in a mental institution, shall own a pistol or have one in his possession or under his control.

9.32.050 Pistol—Delivery to certain persons prohibited. No person shall deliver a pistol to any person under the age of eighteen years or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or of unsound mind.

9.32.060 Pistol—Retail dealers—License required. No retail dealers shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

West Virginia

State Law

W. Va. Code

Sec. 27-12-3. Miscellaneous offenses. If any person shall * * * without the permission of the superintendent of any such [state] hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any firearms, * * * he shall be guilty of a misdemeanor, * * *.

Sec. 28-1-8. Offenses relating to youth facilities; penalties; escape; arrest and return. If any person shall * * * give or sell, or aid or abet any other person to give or sell, to any youth in the youth facility, whether on the premises of such institution or otherwise, any * * * firearms, * * * such person shall be guilty of a misdemeanor, * * * more than one hundred dollars, or to be confined not more than twelve months in the county jail, or, in the discretion of the court, both fined and imprisoned. * * *

Sec. 61-7-8. Possession of machine guns, high-powered rifles, or ammunition therefor; permits; unnaturalized persons may not possess firearms; exception. It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, submachine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of revolvers and pistols, and all such licenses, together with the numbers identifying such firearms, shall be certified to the superintendent of the department of public safety: Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this State, at their usual or customary place of practice, and: Provided, however, that notwithstanding any other provision of this article or any other provision of this Code, any resident, nonresident and unnaturalized person may lawfully possess, transport, carry and use any firearm he is permitted to use for hunting under any valid license he has been issued by the department of natural resources and which he holds in his possession. At all times such person shall comply with all of the requirements of law set forth in this Code and the rules and regulations promulgated thereunder pertaining to possessing, transporting, carrying and using firearms for hunting.

No such permit shall be granted by the superintendent except in cases of riot, public danger and emergency until such applicant shall have filed his written application with the superintendent in accordance with the rules and regulations that may be from time to time prescribed by the department of public safety relative thereto, * * *.

No unnaturalized person may own, keep, possess, transport, carry or use any firearm of any kind or character, except for hunting as provided in sections three and eight [Secs. 61-7-3 and 61-7-8] of this article and article two [Sec. 20-2-1 et seq.], chapter twenty of this Code.

Sec. 61-7-9. Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or Sec. 61-7-8. It shall be unlawful for any person, firm or corporation to place or

keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, * * * or other dangerous weapons of like kind or character, or any machine gun, submachine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. * * * It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person: Provided, that a person may lawfully sell, rent, give or lend any firearm which may lawfully be used for hunting to any unnaturalized person who has been issued and holds a valid permit in accordance with the provisions of section twenty-nine [Sec. 20-2-29], article two, chapter twenty of this Code and the unnaturalized person shows such permit to such person when the sale, rental, gift or loan is made.

Sec. 61-7-14. Purchase of firearms in contiguous state. Any resident of this State, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle, shotgun or any other legal firearm, or any part thereof, in this State, may purchase the same in a state contiguous to this State and transport or receive the same into this State provided the sale meets the lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer or private collector.

Beckley

25-3. Sale or rental of weapons to minors under eighteen. It shall be unlawful for any person to rent or sell any machine gun, high-powered rifle or any gun of similar kind or character, or revolver, pistol, * * * or other dangerous weapon of like kind or character, or any ammunition for any such weapon, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his parents, or one of them, or by the minor's legal guardian.

Benwood

210.02. Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol * * * or any other dangerous or deadly weapon of like kind or character.

210.06. Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 210.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

210.07. Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 210.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

210.09 Issuance and Duration of permits. It shall be the duty of the Chief of Police to issue to such applicant a written permit, on a standard form to be prescribed and provided by the Chief of Police, authorizing the applicant to purchase, receive or accept such pistol, revolver or other firearm of the kind described in Section 210.05, * * * provided, however, that a permit to purchase, receive or accept a pistol, revolver or other firearm of the kind described in Section 210.05 shall not be issued to minors, drug addicts, unnaturalized foreign-born persons, habitual drunkards, persons of unsound mind or to anyone who has been convicted of a felony under the laws of the United States, the State of West Virginia or any other state. Permits shall be valid for a period of ten days only.

210.10 Vendor to demand permit from Purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 210.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

210.13. Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Bluefield

13-215. Weapons. A license shall be required to sell or expose for sale pistols, revolvers, * * * or weapons of any kind, * * *.

Charleston

Sec. 18-70. Same—Possession by persons under age sixteen. No person under the age of sixteen years shall carry or have in his possession upon any street, park or other public space in the city any gun, pistol, rifle, * * * or other dangerous weapon of any character; provided, that nothing in this section shall be so construed as to prohibit members of duly authorized military, cadet corps or similar organizations from the proper use of their guns and other equipment as members of such organizations.

Chesapeake

Sec. 5. Sale or rental. It shall be unlawful for any person to rent or sell any revolver, pistol, * * * or other dangerous weapon of like kind or character, or any machine gun or high powered rifle, or any gun of similar kind or character, or any ammunition for the same, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his or her parents, or one of them, or by the minor's legal guardian.

Clarksburg

17-72. Same—Sale to person under sixteen years of age; sale of explosives to persons under sixteen prohibited. It shall be unlawful for any person to sell, offer or give to any child or children under the age of sixteen years, firearms, gunpowder, gun caps, * * * or other explosives of like kind and character in any quantity whatever.

Davis

No. 20. It shall be unlawful for any person to * * * furnish or sell any such weapon to any other person under the age of 21 years. * * *

Fairmont

Sec. 16-6. Dangerous or deadly weapons—Carrying; sale, etc., to minors. If any person shall carry about his person any revolver or other pistol, * * * or any other dangerous or deadly weapon of like kind or character, he shall be punished as provided * * *. If any person shall sell or furnish any such weapon as is hereinabove mentioned to a person whom he knows or has reason from his appearance or otherwise to believe to be under the age of twenty-one years he shall be punished * * *

Logan

15-4. Sale, etc., to minor under sixteen of firearms or explosives. It shall be unlawful for any person to sell or give to any minor under the age of sixteen years firearms or

gunpowder or other explosives in any quantity.

Mannington

Chapter 22, Section 2m. No person without a city license therefore, shall sell pistols, revolvers, or weapons of like or kind.

Martinsburg

15-59. Display of dangerous weapons for sale or hire; sale to unnaturalized person. * * * It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in article 7, chapter 61, West Virginia Code, 1961, to an unnaturalized person.

Mason

Art. 3 Section 4. Dangerous Weapons: Sale of. No person shall sell or furnish any revolver or other pistol, * * * to a person whom he knows, or has reason, from his appearance, or otherwise, to believe to be under the age of 18 years.

Morgantown

31-8. License—Required. No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapon, including, but not by way of limitation, any revolver, pistol, * * * or other weapons of like kind within the city without first obtaining a license to engage in any such business.

31-15. Sale, etc., to intoxicated persons, minors under eighteen, etc. It shall be unlawful for any person or dealer licensed under this article to sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years, or to an unnaturalized person.

Moundsville

Sec. 14-81. Weapons. The annual license fee to sell or offer for sale pistols, revolvers, * * * shall be ten dollars. No license shall be issued without the prior certification of the chief of police of the city.

Mullens

Sec. 20-50. No person shall carry about his person any revolver, pistol * * * No person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason from his appearance or otherwise to believe, to be under the age of twenty-one years. * * *

Rupert

7-304 Dangerous Weapons: Sale of. No person shall sell or furnish any of the dangerous weapons referred in Section 3 (revolver or other pistol) of this article to a person when he knows, or has reason from his appearance or otherwise, to believe, to be under the age of twenty-one years.

St. Mary

Article XIV. Sec. 57 * * * It shall be unlawful for any person to sell, rent, give or lend any of the arms [handguns, rifles, machine-guns] mentioned in this section to an unnaturalized person.

Summersville

* * * it shall be unlawful for any person, firm, or corporation to place or keep on public display to passers-by on the streets, roads, or alleys of said Town, for rent or sale, any revolver, pistol * * * or other dangerous weapon of like kind or character or any machine gun, sub-machine gun, or high powered rifle, or any gun of similar kind or character, or any ammunition for the same. * * * It shall be unlawful for any person to sell, rent, give, or lend any of the arms mentioned in this article to an unnaturalized person.

Thomas

Section 26. It shall be unlawful for any person to carry about his person any revolver or other pistol, * * * nor shall any person sell or furnish any such weapon as is hereinbefore mentioned, to a person whom he knows, or has reason to believe, from his appearance or otherwise, to be under the age of twenty-one years; * * *.

Weirton

553.07 Display of Dangerous Weapons; Reporting Purchases. No person shall place or keep on public display for rent or sale to passers-by on the street, roads or alleys, any revolver, pistol, * * * any machine gun, submachine gun or high-powered rifle, any gun of similar kind or character or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber and report the same at once in writing to the Police Chief.

553.08 Sale of arms to unnaturalized person or minor. No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall sell any of the arms mentioned in this article to any minor under the age of sixteen years.

Wheeling

537.02 Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol * * * or any other dangerous or deadly weapon of like kind or character.

537.05 Sale, transfer of concealed weapons. No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept, any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06 Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07 Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10 Vendor to demand permit from purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13 Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Wisconsin

State Law

Wisc. Stat. Ann.

175.30 Purchase of firearms in contiguous states permitted. It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

175.35 Waiting period for purchase of handguns. (1) In this section, "handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

(2) (a) No firearms dealer licensed by the U.S. department of the treasury may transfer possession of any handgun to any person for 48 hours following purchase of such handgun.

(b) This section shall not apply to the transfer of any handgun classed as an antique by regulations of the treasury department or to transfers between licensed firearms dealers or between wholesalers and dealers.

* * * * *

939.22 Words and phrases defined. In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

* * * * *

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

* * * * *

941.22 Possession of pistol by minor. (1). Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor is guilty of a Class A misdemeanor.

* * * * *

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

941.25 Manufacturer to register machine guns. Every manufacturer shall keep a register of all machine guns manufactured or handled by him or her. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his or her entire stock of machine guns, parts, and supplies therefor, and shall produce the register required under this section for inspection. Whoever violates any provision of this section is subject to a Class B forfeiture.

941.26 Machine guns and other weapons; use in certain cases; penalty. (1) No person may sell, possess, use or transport any machine gun or other full automatic firarm. No person may sell, possess, use or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section is guilty of a Class E felony.

(3) the provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any armed forces or national guard personnel in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers. The restriction on transportation contained in this section shall not apply to common carriers.

941.27 Machine guns. (1) Definition. In ss. 941.25 and 941.26, "machine gun" includes a weapon of any description by whatever name known which was manufactured to discharge more than 2 shots or bullets by a single function of the firing device.

(2) Exceptions. Sections 941.25 and 941.26 shall not prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament or keepsake; or the possession of a machine gun other than one adapted to use pistol cartridges for a purpose manifestly not aggressive or offensive.

943.06 Molotov cocktails. (1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb is guilty of a Class E felony.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

8.01 Offenses endangering public safety. * * * * * (4) Sale of dangerous weapons to minors prohibited. No person shall buy for, sell or give away to any minor any dangerous weapon * * * without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: * * * pistol, revolver, * * * any weapon in which loaded or blank cartridges are used. * * *

Beloit

15.01 Offenses against state laws subject to forfeiture. (Am. #1304) The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the municipality, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture. * * * * * 943.06 Molotov Cocktails. * * * * *

15.07 Firearms and Weapons, use of. * * * * * (3) Sale of firearms and weapons to minors forbidden. No person shall sell any firearm, * * * or loan such items to any minor within the City.

Big Bend

Chapter XI

11.01. Dangerous and Concealed Weapons. (1) Definitions. A. Dangerous Weapon. The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver * * *.

(3) License for Sale of Weapons. A. No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous except rifles or shotguns used for hunting purposes, * * * (or) weapons used solely for target practice purposes, * * *

without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon. * * *

(4) Selling weapons to Minors Prohibited. No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, * * *.

* * * * *

(6) Permit Required for Purchase of Dangerous Weapons. No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, * * * (or) weapon used solely for target practice purposes * * *. Before any such permit is granted an application in writing shall be made therefor * * * (contact local authorities for required contents).

Brodhead

41.38 Weapons. No person shall: * * * * * (e) Intentionally sell, loan, or give a pistol to a minor. Pistol means any firearm having a barrel less than 12 inches long; * * *

Cudahy

9.02 Firearms and weapons. (1) Sale of. (a) To Minors Prohibited. No person shall sell to a minor under 18 years of age, and no such minor shall purchase, any * * * hand gun.

(b) To Felons Prohibited. No person shall sell a firearm or other dangerous weapon to a person who has been convicted of a felony unless such person has been pardoned.

(c) Record of Sales. Every person who deals in dangerous weapons or guns shall keep a record of sales of such dangerous weapons or guns, which records shall have the purchaser's name, address and date of birth, the identification number of the weapon or gun and a signed statement by the purchaser that he is the individual making the purchase and that the information contained in the statement is true and correct. * * *

Glendale

24.20. Making, possession, transfer or use of fire bombs and other similar devices. (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Hales Corners

14.01 Dangerous and Concealed Weapons. (1) Definitions. (a) Dangerous Weapon. The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, * * * any weapon upon which loaded or blank cartridges are used, * * *.

(b) Concealed Weapon. The term "concealed weapon" shall include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

* * * * *

(3) License for Sale of Weapons. (a) No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, * * * without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon * * *.

(4) Selling Weapons to Minors Prohibited. No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, * * *.

(6) Permit Required for Purchase of Dangerous Weapons. No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, * * *. Before any such permit is granted, an application in writing shall be made therefor [contact local authorities for required contents]. * * *

Kennan

2.02(2) No minor shall go armed with a pistol and no person shall intentionally sell, loan or give a pistol to any minor. This subsection does not apply to a minor who is armed with a pistol when such pistol is being used in target practice under the supervision of an adult nor does it apply to an adult who transfers a pistol to a minor for use only in target practice under his supervision.

Kenosha

11.02-R. Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. Dangerous weapons. B. "Sale Forbidden". No person shall sell, loan or give away any gun, pistol, revolver or other dangerous or deadly weapon to any minor or intoxicated person.

Ladysmith

11.02 Concealed Weapons * * * (2) * * * no person shall intentionally sell, loan or give a pistol to any minor. * * *

Madison

25.01 Sale of Firearms.

(1) Definitions: For the purpose of this section:

Firearm. The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose.

Handgun. The term "handgun" means any weapon designed or redesigned, made or remade, and intended to be fired while held in one hand, having a barrel of less than ten (10) inches in length, designed or redesigned, made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore, including weapons commonly referred to as pistols or revolvers, but not including a stud gun.

Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger.

Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

* * * * *

(2) It shall be unlawful for any person, firm, association or corporation to sell, give away, trade or transfer a firearm to any other person, firm, association or corporation in the City of Madison unless within twenty-four (24) hours, excluding those hours falling on any Saturday, Sunday or holiday, after the transfer of possession of said firearm, such person, firm, association or corporation shall report such transfer to the Chief of Police, or his designee, giving a complete description of the firearm so sold [contact local authorities for required contents] * * *.

* * * * *

(4) * * * no person shall intentionally sell, loan or give a pistol or revolver to any person under eighteen (18) years of age. * * *.

(5) * * * no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm * * * or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen (18) years of age for use only in target practice or any hunting under his direct supervision.

(6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.

* * * * *

(10) Sale of Handguns and Handgun Ammunition Unlawful.

(a) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any handgun to any other person, firm, association, or corporation within the corporate boundaries of the City of Madison.

(b) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any ammunition made exclusively for use in any handgun to any other person, firm, association, or corporation within the corporate boundaries within the City of Madison.

(c) The United States Government, the State of Wisconsin and its municipal subdivisions, the State Crime Laboratory, the University of Wisconsin, the Historical Society of the State of Wisconsin, their employees and peace officers thereof, shall be exempt from the provisions of this subsection with respect to handguns or ammunition made exclusively for use in any handgun which is owned, possessed, sold, given away, traded or transferred by them in the ordinary course of their official business.

(d) Persons manufacturing or selling ammunition made exclusively for use in handguns shall be exempt from the provisions of this subsection with respect to ammunition made exclusively for use in handguns which are owned, possessed, sold, given away, traded or transferred by them to any organization or person described in Subdivision (c) above.

25.04 Fireworks Regulated. (1) It is unlawful for any person to sell, expose or offer for sale, * * * blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, * * * within the City of Madison, except as hereinafter provided.

* * * * *

(3) Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events * * *.

* * * * *

Menomonee Falls

10.01 Offenses Endangering Public Safety. (I) * * * * * (i) Sale to Minors. No person shall sell or give away any firearm, rifle, shotgun, * * * or ammunition therefor, to any person under the age of 18 years.

(j) Possession by Minor. No person under the age of 18 years shall go armed with a firearm of any type, * * * nor have in his possession any ammunition therefor.* * * * *.

Middleton

16.01-(b) Possession of Ammunition and sale to minors. No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, * * *. No person shall intentionally sell or give away any firearm, rifle, * * * or ammunition therefor, to any person under the age of 18 years.

Milwaukee

* * * * *

Section 105-34. Carrying Dangerous or Concealed Weapons.

(2) Definitions. The term "concealed weapon" shall mean and include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver * * * any weapon upon which loaded or blank cartridges are used. * * * Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

* * * * *

105-43. Sale of Dangerous Weapons.

(1) License Required. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * * without securing a license so to do as provided in Section 105-43(1) and (3) and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

(2) Unlawful to Sell Weapons to Minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in Section 105-34; or to any person under the age of 21 in the case of handguns, * * *

(5) Permit Required to Purchase. (a) From Chief of Police.

It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes * * *.

(b) Permit to be Filed. * * * No such permit shall be granted to persons having been convicted of crime or to minors under the age of 18. Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent

thereof, and the same shall be filed by him or them in the office of the city clerk of the city of Milwaukee within three months from the date of the issuance of the same.

105-43.2. Waiting Period Required for Purchase of Handguns. No person, firm, or corporation who is licensed to deal in the sale of weapons, pursuant to the requirements of Section 105-43, shall transfer possession of any handgun to any person for 48 hours following the application for purchase of such handgun.

Monticello

19.01(2) Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: pistol, revolver, * * * any weapon upon which loaded or blank cartridges are used. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

(3) Sale of dangerous weapons. It shall be unlawful for any person, firm, or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the Village of Monticello any weapon listed or defined as dangerous in Section 19.01(1), except rifles or shotguns used for hunting purposes, weapons used solely for target practice purposes, without securing a license to do so as provided in Section 19.01(2) and (5) and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village of Monticello who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further the interest in the commonly accepted fields of sport.

(4) Unlawful to sell weapons to minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in subsection (2); or to any person under the age of 21 in the case of handguns.

(5) Permit required to purchase. (a) From Chief of Police. It shall be unlawful for any person to purchase or obtain by gift or any other method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in subsection (2), except rifles or shotguns used for hunting purposes and weapons used solely for target practice purposes.

Oshkosh

18-24. Furnishing firearms to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Paddock Lake

41.02 Weapons. (a) A person who is not a village officer shall not carry about his person any concealed pistol, * * * or any other weapon or thing of deadly character.

(b) No person shall sell, give or transfer any such weapon to any minor person.

Port Washington

9.11. Sale of weapons. (1) License required. No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any * * * revolver, pistol, * * * or other instrument or weapon which uses loaded or blank cartridges, except rifles and shotguns used for hunting purposes, without securing a license so to do as herein provided, and no person having such license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police * * *.

(5). Permit to purchase. No person shall purchase or possess any of the weapons or articles enumerated in subsection (1) until he has obtained a permit for such purpose from the Chief of Police.

Racine

25.06. Dangerous or concealed weapons. (2) The term "dangerous weapon" means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, * * *. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

* * * * *

(5) No person shall engage in the business of buying or selling, or sell or give away to any minor under the age of 18, any dangerous weapon, * * *

25.41 Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(3) The provisions of paragraphs 1 and 2 of this Section shall not apply to any device used in any training program authorized by the Chief of the Racine Fire Department or the Chief of the Racine Police Department, nor to any person engaged in such an authorized training program while so engaged.

Reedsville

7.01 * * * * * (c) Sale to Minors. No person shall sell, loan or give any pistol to any person under eighteen (18) years of age.

River Falls

Ordinance 22.01

Section 1. Sales Prohibited. No person shall buy for, sell or give away to any minor, any dangerous weapon, without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: pistol, revolver, * * * and any weapon in which loaded or blank cartridges are used.

Shorewood

Section 13-601 Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used * * *

Section 13-603 Permit Required for Purchase of Dangerous Weapons. A. It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shot-

guns used for hunting purposes, * * * weapons used solely for target practice purposes,

* * * * *

Section 13-604 License for Sale of Weapons. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the Village, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * * and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-603.

Section 13-605 Unlawful to Sell to Minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601 * * *

Section 13-609 Possession of Pistol by Minor. A. It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, loan or give a pistol to a minor.

* * * * *

D. In this section, "pistol" means any firearm having a barrel less than 12 inches long.

Section 13-610 Use of Fire Bombs Prohibited. No person shall make, carry, possess, sell, give or use any type of "molotov cocktail," which is defined to mean a flammable liquid filled bottle or container with a fuse, wick or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material, or which can cause damage by explosion.

Section 13-612 Fireworks Prohibited. A. No person, firm, partnership, or corporation shall sell, offer for sale, expose for sale, or possess or use or explode any blank cartridges, toy pistols or cannons, toy canes or toy cannons in which explosives are used * * *

B. Nothing herein contained shall prohibit * * * the use or sale of blank cartridges for theatrical purposes, or for signal purposes in athletic contests, sport events or by railroads for signal purposes, or for the use by militia, police, or military organizations.

Stevens Point

24.13 Firearms to minors. * * * any person who intentionally sells, loans, or gives a gun or other type of firearm * * * or ammunition for same, to a minor may suffer a forfeiture of not more than $200 and in lieu of such payment assessed, imprisonment for not more than sixty (60) days in the county jail.

Superior

Sec. 23-49. Furnishing firearms to minors. No person shall sell, give away or furnish to any person under twenty-one (21) years of age any revolver, pistol, shotgun, rifle or other firearm, intended for and capable of shooting powder, balls or cartridges, without the consent in person or writing, of the parent or guardian of the minor.

Twin Lakes Village

9.88.020 Sale or giving weapons prohibited. No person shall sell, loan or give away any gun, pistol, revolver or other deadly or dangerous weapon to any minor or intoxicated person.

Waunakee

11.03 Firearms. It shall be unlawful for any dealer or other person to sell, loan, or give any pistol or revolver to any minor.

* * * * *

Wauwatosa

6.84.010 Definitions. In this chapter, unless the context otherwise requires:

1. "Dangerous gun" means any revolver, pistol, * * * rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

* * * * *

3. "Person" means any person, firm or corporation.

6.84.020 Sale or giving away—License required—Exceptions. A. No person shall engage in the business of selling or giving away any dangerous * * * gun without obtaining a license * * *, and no person having such license shall sell or give away any such dangerous * * * gun who has not secured a permit from the chief of police to obtain such dangerous * * * gun * * *.

B. This provision does not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport * * *.

6.84.040 * * * Handguns of any caliber shall not be sold to persons convicted of a felony or to minors.

6.84.050 Purchase—Permit required—Exception. No person shall purchase any dangerous * * * gun without securing a permit therefor from the chief of police. * * * This section shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined as any of those items that further interest in the commonly accepted fields of sport * * * except as to persons convicted of crime or to minors.

West Milwaukee

Ordinance 422

3.15 Firearms.

* * * * *

(2) Sale and Display Regulated. No person, firm, or corporation shall engage in the business of selling, sell or give away any * * * revolvers, pistols, rifles, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives, or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles, except in accordance with a seller's permit or dealer's license issued pursuant to subsection (3), and such sale or gift shall be made only to a person not otherwise prohibited from purchasing or using such items by the provisions of subsection (4).

(3) Dealers' Licenses. Dealers' licenses shall be issuedby the Chief of Police * * *.

(4) Purchase of. No person shall purchase or receive anyof the weapons or items mentioned in subsection (2) if said person:

a. Is under eighteen years of age.

b. Is under indictment in any court for a crime punishable by imprisonment for a term exceeding one year.

c. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

d. Is a fugitive from justice.

e. Is an unlawful user of, or addicted to, marihuana or a depressant, stimulant, or narcotic drug.

f. Is under the influence of a drug or is intoxicated.

g. Has ever been adjudged mentally defective or has ever been committed to a mental institution.

h. Has been discharged from the Armed Forces under dishonorable conditions.

i. Is an alien illegally in the United States.

j. Is a person who, having been a citizen of the United States, has renounced his citizenship.

White Fish Bay

15.12. Weapon dealers (1) Sale and display prohibited. No person shall engage in the

business of selling, sell or give away any * * * revolvers, pistols, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, * * * except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) Dealers' licenses. Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police * * *.

(3) Buyers' Licenses. Buyers' licenses shall be issued by the Chief of Police upon an application in writing [contact local authorities for required contents] * * *

(4) Purchase of. No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) Rifles and shot guns for hunting purposes excepted. The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

Whitewater

15.03(a) No person, firm, partnership, association, or corporation shall display for sale, offer for sale, or sell any loaded pistol, gun, shot gun, * * * or other firearms within the City Limits of the City of Whitewater.* * *

Wisconsin Dells

18.01(1)(b) Sale of Certain Weapons. No person shall sell any firearm * * * to any minor in the City of Wisconsin Dells * * *.

Wyoming

State Law

Wyo. Stat.

Sec. 6-11-105. Possession of weapons by aliens. Every person, not being a citizen of the United States, who shall own, possess, wear or carry any * * * pistol, shotgun, rifle, or other firearm, * * * or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, * * *

Sec. 6-11-107. Firearms register; required to be kept; information to be shown. All wholesalers, retailers, dealers and pawnbrokers are hereby required to keep a record of all firearms which may come into their possession, whether new or secondhand, which record shall be known as the firearms register. Such register shall contain the following information, to-wit: The name of the manufacturer, person, persons, firm or corporation from whom the firearm was obtained, the date of its acquisition, its manufacturer's number, its color, its caliber, whether the same is new or secondhand, whether it is an automatic, a revolver, a single shot pistol, a rifle, a shotgun or a machine gun, the name of the party to whom said firearm is sold in such purchaser's handwriting and the date of such sale.

Sec. 6-11-108. same; to be signed by purchasers. Every person who purchases any firearm from any retailer, pawnbroker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearms register, at the time of the delivery to him of any firearm so purchased.

Sec. 6-11-111. Rifles and shotguns; defined. (a) Rifle. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(b) Shotgun. A weapon designed and redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Sec. 6-11-112. Same; persons who may sell or deliver; restrictions and requirements. (a) It is hereby declared by the state of Wyoming that it is lawful for a licensed importer, licensed manufacturer, licensed dealer or a licensed collector (licensed under the Federal Gun Control Act of 1968 [18 U.S.C. Secs. 921 to 928]) whose place of business is in the state of Wyoming, to sell or deliver a rifle or shotgun to a resident of a state contiguous to the state of Wyoming, subject to the following restrictions and requirements:

(i) The purchaser's state of residence must permit such sale or delivery by law;

(ii) The sale must fully comply with the legal conditions of sale in both such contiguous states;

(iii) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. Sec. 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Sec. 6-11-113. Same; resident may purchase or receive delivery; restrictions and requirements. (a) It is hereby declared by the state of Wyoming that it is lawful for a resident of the state of Wyoming, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to the state of Wyoming, subject to the following restrictions and requirements:

(i) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(ii) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. Sec. 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Afton

6-302. Sales to intoxicated persons. No person in the town of Afton shall purchase from or sell, loan or furnish any weapon in which explosive substance can be used, to any person under the influence of alcohol or any narcotic drugs, stimulant or depressant, or to any person in a condition of agitation or excitability.

6-303. Sales to minors. No person in the town of Afton shall purchase from or sell, or loan, or furnish any weapon in which an explosive substance can be used, to any person under the age of 14 years.

Cheyenne

30-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges of pistols as security for loans.

Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

30-52. Exceptions. This article shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

30-56. Possession of firearms—Criminals, drug addicts, etc. No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is a drug addict or an habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

Arrests, without a warrant, and searches and seizures pursuant thereto, may be made for violations of this section by police officers, as in the case of a felony, upon probable cause that the person arrested is carrying a pistol in violation of this section at the time of arrest.

30-57. Same—Minors. No person under the age of eighteen (18) years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the state militia, ROTC, or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

30-58. Sale, possession, etc., of firearms without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

30-65. License—Required. No person shall sell any firearm at wholesale or retail or shall lease, pledge or accept any firearm as security for a loan without obtaining a license therefor.

30-69. Pistols—Sale and delivery. When any sale of a pistol, the overall length of which is less than six (6) inches, is made under this article, forty-eight (48) hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

30-71. Sales, etc., to criminals, dope addicts, etc. No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

30-72. Sales, etc., to minors. No dealer shall sell, lease, lend or otherwise transfer a firearm to any minor except as provided in section 30-57.

Cody

34-4. Furnishing deadly weapons * * * to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Guernsey

69-9-503 Firearms * * * Any person who shall, within the Town of Guernsey, sell * * * any cannon, gun, fowling piece, pistol, revolver, rifle or firearms of any description, without permission from the Council, or written permission of the Mayor, * * * shall be guilty of a misdemeanor * * *.

Mountain View

Sec. 14-4. Furnishing deadly weapons and certain cartridges to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Pine Bluffs

Section 7. Possession of firearms-Minors. No person under the age of nineteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia, R.O.T.C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

Section 8. Sale, possession, etc., of firearms, without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease, or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

Powell

8.24. Disposing of weapons to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any other kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

8.25. Police excepted. The provisions of this Article shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

Sheridan

Sec. 19-44. Same—Sale, etc., to minors. It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol * * * or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

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Part III

Department of Agriculture

Food and Nutrition Service

Food Stamp and Food Distribution Programs on Indian Reservations

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Ch. II

[Amdt. No. 141]

Food Stamp and Food Distribution Programs on Indian Reservations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rulemaking sets forth requirements for conducting the Food Stamp and Food Distribution Programs on Indian reservations under authority of the Food Stamp Act of 1977 and 1304(a) of the Food and Agriculture Act of 1977.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Alberta Frost, Acting Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. (202) 447-8982.

SUPPLEMENTARY INFORMATION:

Introduction

On December 8, 1978, the Department published a comprehensive and detailed proposal concerning the implementation of the Food Stamp and Food Distribution Programs on Indian reservations (43 FR 57798-57820). The Department explicitly invited careful public scrutiny of that proposal and encouraged detailed written criticism and comment.

This preamble articulates the basis and purpose behind significant changes from the December 8 proposal. The reasons supporting the provisions of the December 8 proposal which are unchanged by the final rules were carefully examined in light of the comments to determine the continued applicability of each justification. Unless otherwise stated, or unless inconsistent with the final rules or preamble, the rationale contained in the proposal should be regarded as a basis for the pertinent final rules. Thus, a thorough understanding of the grounds for the final rules may require reference to the December 8, 1978, publication.

Moreover, while the Department examined all relevant letters, many comments did not disclose a factual or policy justification, or a significant rationale, for certain recommendations. Other comments requested changes contrary to the Act, or articulated a rationale inconsistent with statutory provisions. Still other recommendations, anticipated in the proposal, were unresponsive to Department justifications stated in the December 8 preamble. Even though some of these comments are addressed in the preamble, it was determined, in light of the number of responsive comments raising difficult issues, that not all the points raised should be addressed in this preamble.

Definitions (§ 272.2)

Indian Tribe

Six comments were received on the definition of Indian tribe. Some Indian groups felt the proposed definition, providing that organized Indian groups or communities could be considered as Indian tribes, was overly inclusive and would allow non-Indian groups to claim benefits.

The State of Alaska considered the Indian tribe definition too expansive and felt that it might be construed as including several hundred distinct tribal bodies in Alaska that are not associated with reservations and which assertedly do not possess governmental powers.

The definition of Indian tribe, while based on the definition cited in the Indian Self Determination Act (25 U.S.C. 450b(b)), has been modified to distinguish between Indian tribes eligible for programs under the Indian Self Determination Act and those eligible under the Food Stamp Act of 1977 (the Act). Under the Act, an Indian tribe must exercise governmental jurisdiction over a geographically defined area(s) (reservation as defined in § 3(j) of the Act) in order to be eligible for any of the special provisions for Indians included in the Act. Therefore, references which clearly pertain to non-reservation tribes contained in the definition of a tribe under the Indian Self Determination Act have been deleted, and other revisions made to prevent application of the definition to non-Indian groups.

Finally, it should be noted that Indian tribes must either be recognized as eligible in accordance with the Indian Self-Determination Act for Federal programs and services provided to Indians or hold a treaty with a State government. As required by the Act any tribes that are neither federally recognized nor which hold a treaty with a State, but are simply recognized by a State, are not covered by these regulations.

Indian Tribal Organization

A comment from the Bureau of Indian Affairs (BIA), U.S. Department of Interior, indicated that the definition of Indian tribal organization (ITO) should follow more closely the Indian Self Determination Act. But, as noted in the discussion of Indian tribe above, the Department believes that the regulatory definition is based on the Act and more clearly tracts the legislative purpose for the definition.

Reservation

Thirty-four coments were received on the definition of reservation. Apparently, there are over 250 geographic areas which have been traditionally regarded as reservations. In addition, there appear to be more than 200 Indian tribes which do not live on traditional reservations, as well as many other individual situations involving groups of Indians. Such a multiplicity of potential "reservations" makes it impractical for FNS to specifically predetermine those geographically defined areas which should be recognized as reservations under the Act.

Several commenters requested that government jurisdiction be defined, and some suggested expanding the definition to include "the provision of Federal services or benefits, or the authority to administer other Federal programs." Another comment recommended that the word significant be added to "governmental jurisdiction" and that this "significant governmental jurisdiction" be "over members which comprise the majority of the total population within the geographically defined areas."

Most commenters felt that the Department's statement in the preamble to the proposed regulations that there may be few, if any, areas in Oklahoma which would be considered reservations under the Food Stamp Act of 1977, was too restrictive. On this issue the Community Nutrition Institute noted:

> Although Oklahoma Indians are not located on formal reservations as most other tribes, Oklahoma Indian Nations still exercise certain types of governmental jurisdiction over Indian trust and allotment lands. Oklahoma Indian trust and allotment lands, though they may be "checkerboarded" with non-Indian lands, are within original reservation boundaries.

The Bureau of Indian Affairs also pointed out that, "some [Oklahoma] tribal governing bodies have certain defined jurisdiction not only over tribal members but over certain trust lands as well." However, the American Indian Law Center stated that:

> In Alaska and Oklahoma, tribes have conveyed their land into the public domain, but they have retained their tribal

organizations nonetheless. The definition [of reservation] should be rewritten so as to include all tribal organizations, irregardless of whether these organizations have tribal lands to administer.

With apparent reference to the "former reservations in Oklahoma," as that terminology is used by the BIA [25 CFR 20.1(v), the National Tribal Chairmen's Association asserted that, "the Oklahoma tribes have continued to exercise control over the prior historical reservation boundaries and have administered numerous Federal and other governmental programs based upon those boundaries."

The Department believes that tribal entities in Oklahoma,[1] as well as in all other parts of the country, should be given an opportunity to apply for consideration as Indian tribal organizations which exercise governmental jurisdiction over geographically defined areas. Additionally, as discussed later, any FNS decision that a reservation, as defined by these regulations, does not exist may be appealed on a case-by-case basis to the Office of the Administrator, Food and Nutrition Service (FNS).

Certain comments noted that the statutory definition of reservation does not establish precise requirements for determining reservation status. Based on issues raised by the commenters, the legislative history regarding Indian reservations was again carefully reviewed. Both the *House Report* [H. Rept. 95–464; June 24, 1977] and the *Senate Report* [S. Rept. 95–180; May 16, 1977] refer to sixty-two specific "reservations" in their discussions.

The references, generally speaking, are to the contiguous, precisely defined and relatively large land areas officially set aside mostly for communal Indian use or benefit, in the name of the appropriate tribe[s], by the Federal government or a State government.[2] The transcripts of the discussions of the House Agriculture Committee, especially the explanatory remarks of Representative Nolan on June 17, 1977, noted that the committee, through the proposed statutory reservation language, was "trying . . . to address the problems where that communal and tribal ownership still exist." In light of the purposes behind the Indian provisions of the Act, it does not seem useful for FNS to perform detailed case-by-case reviews of requests for reservation status filed by tribal entities located on these "traditional" reservation areas. Presumably, these contiguous, relatively large, legally recognized and defined Indian reservation areas were intended to be covered by the Act. Thus, under the final regulations, FNS will make a determination of whether a tribal entity is applying on behalf of an "established reservation." A decision adverse to the tribal entity would simply require that the Indian tribal organization apply as representing a geographically defined area over which that tribal authority exercises governmental jurisdiction. In this way, an adverse "established reservation" decision is immediately subject to the regular approval process and, if FNS then decides against the tribal entity that decision may be appealed to the office of the Administrator under the final regulations.

These procedures streamline the review process for all reservation areas, yet provide an opportunity for further consideration where FNS determines that established reservation status does not exist. Under the final rules, this presumption of reservation status for "established reservation" areas may be overcome by a Departmental finding, based on its thorough analysis, that the area is clearly not covered by the Act. In spite of such a finding, the appropriate ITO could still go through the normal application and appeal process.

Under the normal review designed for areas not considered "established reservations," three tests must be met for a geographic area to be recognized as a reservation under the Act and these regulations. The tests are: (1) there must be a geographically defined area [or areas] which has received legal recognition from the Federal or some level of a State government as an Indian area; (2) the area[s] must have operating within its boundaries a tribal organization which is recognized as such in accordance with section 3(p) of the Act; and (3) such tribal organization must exercise legislative, judicial or executive powers of government within the defined geographic boundaries.[3]

Note that under the three pronged reservation test that the ITO must qualify as such in accordance with these regulations which are patterned after the Indian Self Determination Act, and that the ITO must be able to clearly and precisely define the boundaries of the reservation. It is preferable that the boundaries be defined by some convenient and precise methods such as metes and bounds. The test involving the exercise of governmental jurisdiction contemplates more than the mere power to exercise governmental jurisdiction. The Act requires that the power must be *actively* exercised at the time the application is filed, and continue to be exercised as a prerequisite to the continuation of recognition of an area as a reservation. It is not necessary that an ITO actively exercise all three governmental powers; i.e., the legislative, executive and judicial functions. The substantial and autonomous exercise of one of these powers could suffice. In this regard, the ITO must be the principal exercisor of at least one of those powers to the extent that governmental powers other than those exercised by the Federal government are involved. Also, such exercise of powers must be more than symbolic. Therefore, the clear grant of some significant aspects of such power by the Federal or a State government to an Indian governing body or tribe is preferred. Other bases for the exercise of power probably will not qualify an ITO. Thus, the exercise of some aspect of the three powers concurrently with a State or county governing body will not ordinarily be considered in determining this issue. Moreover, the performance of functions not as a self-governing body but as any other private corporate entity, grant recipient, agent or contractor will not be considered as an exercise of a governmental function. Thus, for example, corporate entities governed or restricted by State laws would not be considered as governing bodies exercising "governmental jurisdiction" since the exercise of corporate power is prescribed or limited by State law. Thus, the degree of

[1] The BIA letter states that many Oklahoma tribes, "conduct a variety of tribal business activities . . . and contract with Federal entities for tribal operation of Federal programs." These services appear to be provided, in some cases, "over the prior historical [former] reservation boundaries" in Oklahoma. [National Tribal Chairmen's Association letter.]

[2] The legislative history does not seem to contemplate, in its concept of reservation, the relatively small scattered tracts of land, often held in trust for individual tribal members after a particular reservation, or part thereof, has been officially disestablished. Along the same line, the legislative history does not discuss reservation exclusion for the normally small and distinct lots owned exclusively by non-Indians which may be scattered in a "checkerboard" pattern within the confines of established reservation boundaries. Moreover, from a policy standpoint, the Department does not believe that precise distinctions based on the land title of individual lots are practical or appropriate regarding the operation of the Food Stamp or Food Distribution Programs.

[3] It is recognized that certain areas defined as "established reservations" by FNS may not fully meet all aspects of each of the above three tests. However, it seems more likely than not that most of the established reservation areas could meet the three tests if the appropriate ITO carefully and fully presented supporting evidence to FNS. This rule regarding reservation status thus effectuates reasonable presumptions designed to implement the Act, accelerate the review process and improve program operations for Indians.

autonomy of action is an important consideration.[4]

While FNS will carefully apply the three pronged test of reservation status on a case-by-case basis there are several factors which will provide general guidance to tribal entities. The eligibility review for the exercise of governmental jurisdiction may consider such factors as: (1) The number and importance of the functions pertinent to one of the three governmental powers that an ITO exercises; (2) whether the ITO exercises each specific function exclusive of concurrent exercise by Federal, State or local governments; (3) whether the function is one that is typically reserved to a governmental body rather than available to private enterprise; and (4) whether the function is commonly recognized as a function of government. Each applicant ITO, which seeks recognition as representing Indians on a reservation, will need to make clear in its application the nature of the functions it performs in a given and precisely defined geographic area(s), and the extent of its role in the performance of those functions.[5]

There are some significant governmental functions such that the exercise of these functions could give rise to the conclusion by FNS that an ITO is the principal exercisor of a governmental power. Each application by an ITO for recognition of reservation status must necessarily be evaluated in terms of the facts provided in that application.

The following are examples of governmental functions. They are not intended to preclude consideration of other functions.

The legislative power may be manifested by the existence of a deliberative body, which has legal authority to enact laws, ordinances, regulations, or other meaningful legislative acts for precise geographic area(s). Codes of conduct, traffic control ordinances, the provision of services, and the levying of taxes, are but a few of the legislative acts which may indicate an ITO exercises the legislative power.

The judicial power contemplates that an ITO have lawful authority to control at least the Indians in the geographic area(s) involved through a system by which it renders judgements, exclusive of other governments, which judgements are enforcible if they are not honored. This power contemplates the existence of a judicial system with some form of court and judges.

The executive power is the power which likely will most frequently be claimed by an ITO as manifesting that it exercises governmental jurisdiction. There are many executive functions. Among the most common are: (1) The enforcement of laws through the maintenance of a police force, jails, and the exercise of independent authority to make arrests; (2) The administration of laws, ordinances, and regulations; (3) The issuance of licenses, the maintenance of streets and public buildings, the provision of necessary services (such as water and sewage, or trash collection) as an independent entity; (4) The levying and collection of taxes; (5) The exercise of the right of eminent domain; (6) The independent administration of schools and libraries rather than by contract or grant; (7) The administration of elections; and (8) the provision of social and welfare services through ones' own programs and rules rather than as an agent, grantee or employee of another entity.

Many activities of an ITO may involve the provision of services to Indians in a geographic area under a grant from or according to a contract with a governmental body or private institution. FNS doubts that these kinds of activities can quality an ITO as exercising governmental jurisdiction since the terms of such grants or contracts are not independently established by the tribe and since such grants and contracts are limited in duration and subject to cancellation or to the the beneficence of some other entity, thereby depriving the ITO of the right as an autonomous government or entity to determine the extent and precise nature of the activity or program. While applications which rely on the administration of grants and contracts as the basis for claiming an ITO exercises governmental jurisdiction will be evaluated carefully by FNS, an ITO in this circumstance will have difficulty qualifying as an entity which exercises executive governmental jurisdiction *on that basis.*[6]

Disclosure (§ 272.1)

Disclosure

One commenter pointed out that language in § 272.1(c) needed to be amended to allow the sharing of Food Stamp Program participation lists with the Food Distribution Program. Language permitting this sharing of information has been added.

General Purpose and Scope (§ 281.1)

Six comments were received on this introductory section. Four commenters felt that the section set a too restrictive tone. Two commenters felt this section should show more responsiveness toward Indians or to all persons on reservations.

This section was rewritten in response to the comments received to emphasize the special Indian provisions in the Food Stamp Act of 1977.

Administration by the Agency of State Government (§ 281.2)

State Plan

Twelve comments were received on the proposed regulations which required that a State agency, before it submits a plan of operation to the Department, consult in good faith with the ITO about those amendments or that portion of the plan which pertains to the operation of the Program for reservation residents. Some commenters felt that the regulations did not ensure that ITO input would adequately affect program implementation. For example, the Papago tribe of Arizona suggested that the State's plan of operation be available to the ITO 45 days prior to submission to FNS and that FNS not approve any plan that has not been fully approved by the ITO. New Mexico suggested that State agencies be allowed to submit their plans to FNS without consultation if the State

[4] Of course, no American Indian tribe exercises totally independent powers of self-government on a reservation since the Federal government has plenary powers in the area of Indian affairs. Nonetheless, within the limits of Federal law, the degree to which Indian governmental functions are not regulated or determined by State or local laws is important concerning the issue of the exercise of governmental powers.

[5] It is also necessary that each ITO apply for recognition as the representative of Indians who live on the particular reservation in question. The potential for variations among ITO's is so large that FNS cannot provide a rote formula by which to accept or reject a claim by an ITO that it represents Indians who live on a reservation. Nor should FNS do so, since if it did, it would lose the necessary flexibility to make its determinations on the basis of all the facts made available to it. Furthermore, the burden of demonstrating with sufficient information each aspect of the reservation test rests with the ITO.

[6] For example, if an ITO can show that a State legislature has enacted a law vesting the ITO with the power to make and enforce significant tribal ordinances, and the ITO is doing so, governmental jurisdiction probably is being exercised. Similarly, if the State legislature has enacted a law divesting State courts of jurisdiction over Indians, and vesting such power in the ITO, which actively exercises it, governmental jurisdiction probably is being exercised. However, if there remains concurrent jurisdiction, the ITO probably lacks power to exercise governmental jurisdiction. If an ITO has received a grant or contract to improve Indian schools, or to run a school for Indians, governmental jurisdiction is probably lacking. This would be equally true for other programs, such as welfare programs, job training programs, or a combination of several such programs. However, if an ITO operates its own social welfare systems, with its own money and under its own rules, the ITO is likely exercising a function of government.

agency's timely attempt to consult with the ITO was unsuccessful.

The final rules are more specific than the proposal. They provide that before a State agency can submit its plan of operation to FNS it must submit its outreach plans, service plans and all other portions of the State plan that pertain to the operation of the Program for residents on the reservation to the appropriate ITO for comment. After receiving these plans, the ITO will have 30 days to provide written comments to the State agency. The State agency is required to incorporate into the plan suggestions made by the ITO which the State agency determines are appropriate and practicable.

Additionally, the final rules provide that the State agency must administer the Food Stamp Program in a manner that is responsive to the needs of Indians on the reservation as determined by ongoing consultation with the ITO. The State agency shall be required to maintain records of all ITO consultations on State plans and ongoing ITO consultations for review by FNS.

Project Area Designation

Ten comments were received on the proposed provision to designate an Indian reservation as a separate project area or areas for the purpose of improving the accessibility of program services to Indians on the reservation. It was proposed that separate project areas would be created for the reservation unless the State agency could demonstrate to FNS that: (1) the size or population of the reservation does not warrant such designation; (2) the tribe can be adequately served by an existing project area because of the location of certification and issuance offices; or that (3) the designation as a project area(s) would impair the Statewide administration of the Food Stamp Program. Indian and advocacy groups felt that reservations should be project areas as often as possible. State agencies generally were concerned with the lack of funds and staff to set up reservations as separate project areas.

The Department believes that the proposal will result in designation of a number or reservations as separate project areas, and that such designations will result in improved service. Only in those instances where service on the reservation would be impaired or be impractical or inefficient would a separate designation be waived. A fourth condition has been added which allows for a State agency to demonstrate that the designation of a reservation as a project area would reduce the availability of certification and issuance offices under the regulations. Also the final rules are modified to consider project areas which the State is planning to develop in addition to existing project areas.

Single State Agency

The proposed regulations provided, where Indian reservation boundaries crossed State lines, that the appropriate State agencies could jointly request FNS approval of a single State agency for the Food Stamp Program (FSP) on all or part of that Indian reservation.

Six comment letters addressed this issue. The Papago and Navajo tribes felt that the ITO should be involved in any decision about single State agency administration of the FSP. Advocacy and Indian groups felt that States should be required to have one State operate the FSP when reservation boundaries cross State lines unless one or more States can demonstrate to FNS that failure to operate through one State agency would improve the operation of the FSP on a particular reservation. North Dakota doubted that Congress intended that a single State agency would administer a FSP on a reservation crossing State boundaries.

The final regulations have been revised to provide that ITO's and State agencies may jointly request approval that a single State agency be responsible for the FSP on all or part of a reservation when reservation boundaries cross State lines. The other State agency(ies) must agree to cooperate fully with the administering State agency to carry out the purposes of the Program.

Contracts With an Indian Tribal Organization

The proposed and final regulations provide that State agencies may contract certain Food Stamp Program functions to an ITO.

Four comment letters addressed this provision. Two commenters felt that State government contracting should represent a means for tribal administration of the FSP. The Navajo comment requested that the rule allow certification activities, such as eligibility determinations and interviews, to be contracted to ITO's

The conditions for tribal administration of the Food Stamp Program are discussed elsewhere in this preamble. The final rules allow ITO's that are not administering a Food Stamp Program to nonetheless perform certain program functions under contract. However, it is Departmental policy, based on the Office of Personnel Management requirements, that certification activities such as interviews and eligibility determinations not be contracted.

Determination of Failure (§ 281.3)

The Act requires that for an ITO to administer the Food Stamp Program on a reservation, the agency of State government responsible for administration of Federally aided public assistance programs must be failing to properly administer the Food Stamp Program in accordance with the purposes of the Act. The Act states that before there may be an administrative transfer of the Food Stamp Program to an ITO, the Department must determine that the State "*is failing* . . . properly to administer such program on such reservation . . . " (Emphasis added). The Act and due process require, at a minimum, that the State be notified of its alleged failure "properly to administer such program" and be given an opportunity to take corrective action or to contest the FNS determination that the State "is failing". Such a failure determination cannot be made merely because a State agency will not meet the service demands of the tribal organization.[7] The Department has determined that failure to take corrective action, as determined by the review or Management Evaluation provisions, represents State failure properly to administer the Program.

The proposed regulations provided for analysis of a State agency's success or failure in administering the Food Stamp Program on an Indian reservation through the use of special Management Evaluation (ME) reviews conducted by FNS, and through an examination of any other relevant information that became available during the course of the review.

The proposed regulations followed the normal FNS procedures by which a State agency is informally and, if necessary, formally warned regarding the improper administration of the Program. The State agency would have been accorded an opportunity to take corrective action prior to the issuance of a formal warning and before the Department determined if the Program could and should be transferred to an ITO. After program transfer to an ITO,

[7] Even without the statutory "is failing . . . properly to administer such program" constraint the Department would still have promulgated the same regulatory position. Administrative efficiency, fiscal integrity and program effectiveness require that FNS should attempt to enforce State compliance with national program rules in all areas of the country. Further, Congress has provided for increased administrative funding for States if the Department determines these additional funds are necessary to carry out the program.

and in the event that an ITO became no longer "capable of effectively and efficiently conducting such program," administration would revert to the State which would then have to administer the Program pursuant to the nationwide mandate.

Fifty-two comments addressed these provisions. Four commenters felt that the provisions placed tribes and States in adversary positions. Twenty-six commenters felt the process for determining State agency failure was too long, and several commenters provided suggestions on how the process could be shortened. Additionally, 22 commenters felt that there should be a special provision for State agencies which do not want to continue administration of the FSP on a reservation whereby program administration could immediately be turned over to an ITO.

As noted earlier, the Food Stamp Act of 1977 provides two tests regarding ITO administration. The first requires a demonstration that the State agency "is failing properly to administer" the Program. The language recognizes the State government as having the primary responsibility to run the Program on reservations as well as in other areas of the State. The Act does not treat proper program administration over any geographic area as a responsibility which may be dropped due to preference or inconvenience. Only after a showing of State failure would the ITO be considered for program administration. The second test that the Act imposes is that the ITO must be found capable of effectively and efficiently operating the Program. As such, the Act and these regulations provide tribes with safeguards against poor program administration, while maximizing the opportunity for program and fiscal efficiency.[8]

Special Review

The comments regarding the FNS proposed procedures for determining State failure generally criticized the informal/formal warning process as unnecessarily lengthy and repetitive. The Community Nutrition Institute noted that the:

"informal warning system . . . is an . . . additional layer in the determination process that serves little purpose. . . . If FNS has *already* determined that a serious deficiency exists in State agency operations and performs a . . . review . . . the State agency should be given only *one* further chance (not two—informal and formal) to take corrective action."[9]

In response to the comments the informal warning process has been dropped. To further expedite the review process the final regulations have added a response time that provides that subsequent to October 1, 1979, FNS shall complete these reviews within 90 days, except under unusual circumstances such as the receipt of a large number of simultaneous requests. Additionally, FNS plans to meet this goal, prior to October 1, 1979, to the extent it is administratively possible.

Formal Warning of Deficiency

As discussed earlier, the informal warning called for in the proposed regulations is eliminated in the final regulations. The final regulations provide that if FNS has determined that major deficiencies exist, a formal warning shall be issued to the State, with a copy to the ITO. At a minimum, such warning shall indicate the State agency deficiencies and shall detail the basis upon which the deficiencies were determined. The State shall have 30 days to respond with evidence that it is in compliance or to submit a corrective action proposal.[10] If satisfactory compliance is achieved by the State agency on deficiencies cited in a formal warning, FNS shall notify the State, with a copy to the ITO, that the warning for those deficiencies is satisfied. Since the circumstances of each deficiency could vary greatly, FNS is not publishing a universal time limit to be imposed in each case regardless of the facts. Nonetheless, FNS does not intend to tolerate lengthy corrective action periods when the circumstances will not justify a long timeframe.

Determination and Sanctions

The proposed regulations provided that under certain conditions appropriate Federal sanctions would be applied to the State. One commenter asked that FNS specify what sanctions would be applied and how they would operate.

The final regulations provide that if at any time after the warning period or during or after the corrective action period FNS determines that major deficiencies still exist which are not being appropriately addressed by the State agency's corrective action plan, FNS may determine that State failure has occurred and may impose appropriate Federal sanctions as specified in Part 276. In all cases, FNS will pursue program deficiencies even if review results do not lead to ITO administration of the Program.

Termination and Transition

Prior to turning program administration over to a capable ITO, the State agency shall continue to administer the Food Stamp Program on the reservation until an effective termination and transition arrangement has been completed in accordance with § 281.8.

Determining Indian Tribal Organization Capability (§ 281.4)

ITO Review

Under the Act, when the Department makes a specific finding of State agency failure, Food Stamp Program administration would be turned over to an ITO only if an additional determination is made that the ITO is capable of effectively and efficiently conducting the Program. The Act directs the Department's attention to four factors governing that determination, including: (1) the location of State certification and issuance centers, (2) the prior experience of the ITO in operating other Federal programs, (3) the ITO's management and fiscal capabilities, and (4) the adequacy of the ITO's measures to limit discrimination

[8] The Department recognizes that many tribal entities may wish to hire and train their own administrative staffs, print their own manuals, establish their own certification offices, maintain their own records and perform all those functions which the State would otherwise perform for the State as a whole. The statutory imposition of funding ceilings makes it imperative that administrative costs be kept at a minimum and that administrative efficiency be maximized. Administrative inefficiency may directly result in a reduction in the amount of money available to provide needy households with coupon benefits. Nonetheless, FNS must be diligent in ensuring that States properly perform their duties for all persons within their boundaries. The Minnesota Chippewa Tribe noted that, "far too often Indian people are not receiving the full benefits of what the . . . State [is] supposed to offer. Often times it is due to . . . language barriers, insensitivity on the part of the local agencies . . . [lack of] transportation . . . [and lack of] efforts on the part of the local State agencies to encourage Indian participation . . ." State compliance with the rules implementing the Food Stamp Act should greatly reduce the extent of the problems discussed in the Chippewa Tribe letter. Where States fail in this regard, tribes will be given the opportunity to apply to operate their own Food Stamp Programs.

[9] The Papago Tribe of Arizona also suggested that the informal warning step be dropped and that once "FNS determines there is a deficiency in a State agency operation of the Food Stamp Program on all or part of any Indian reservation, FNS should immediately issue a formal warning to the State agency." The State of Montana also criticized the proposed State failure review process as too lengthy.

[10] While differing in certain respects, the final State agency failure review regulations follow suggestions of the Papago Tribe of Arizona. They recommended that the informal warning step be eliminated and that the formal warning "status should commence immediately after FNS has received a request to investigate State agency failure and FNS determines there has been a failure . . . The State agency should then have 30 days to respond with evidence that it is in compliance or to submit a corrective action proposal . . ."

against any potential program beneficiary on the basis of race, color, sex, or national origin.

The proposed regulations required FNS to review these four factors to determine an ITO's capability. The proposed regulations provided that during the informal warning period FNS would determine whether an ITO wanted to be considered as a State agency for the purpose of administering its Food Stamp Program. If so, FNS would begin to determine ITO capability during the informal and formal warning periods.

The final regulations, however, establish more expedited procedures for determining State government agency failure and Indian tribal organization capability. During FNS's review of State government agency operation of the Food Stamp Program on a reservation, FNS shall, if the ITO requests to administer its own Food Stamp Program, begin to determine the ITO's potential capability for program administration not later than the date of issuance of the formal warning to the State agency if the reservation tests as established by these regulations are met.

Determination of Capability

Six commenters addressed the items to be reviewed in an ITO capability determination. One commenter felt ITO capability ought to be assumed rather than determined. The BIA felt performance under the Indian Self Determination Act should be considered, while two commenters suggested that consultation with BIA be eliminated.

The Act requires that the Department determine that the applicant ITO "is capable of effectively and efficiently conducting" the Food Stamp Program. However, the final regulations stress that the initial evaluation by FNS is of an ITO's potential capability to administer a Food Stamp Program allowing for fulfillment of that potential through necessary training and technical assistance. In order to assess the ITO's potential capability the final regulations expanded the list of proposed criteria to include past administration of Federal programs, consultation with BIA, and a description of the locations of projected certification and issuance offices. The final regulations also require the ITO to satisfy FNS that it is capable [if provided with needed training and technical assistance] of administering the Food Stamp Program effectively and efficiently and of complying with all provisions of the Food Stamp Act of 1977, and the regulations as amended, including provisions for quality control, fraud determinations and claims collections.

Training and Technical Assistance

The proposed regulations provided that if an ITO were deemed capable of operating the Food Stamp Program, the Department would provide the necessary training and technical assistance prior to the ITO's assumption of program operations.

Twelve commenters addressed this provision. Most commenters wanted training and technical assistane to be available to all tribes upon their request. The proposal was interpreted as precluding tribes with basic capabilities, which needed training and technical assistance, from becoming fully capable of administering the Food Stamp Program. The Department has revised the final rules to correct this misunderstanding. The final regulations articulate the Department's original intent which was to provide training and technical assistance to an ITO upon a determination by FNS that the State agency has failed to properly administer the Food Stamp Program and that the ITO is *potentially* capable of operating an effective and efficient Food Stamp Program. The Department does not intend to provide training and technical assistance to all ITO's upon request. The Department does not have sufficient funds or staff to do so unless an ITO has been determined potentially capable of Food Stamp Program administration. Such expenditures would divert funds that could be better utilized elsewhere for the benefit of Indians or other recipients.

Staff Merit System

The proposed regulations provided that the ITO was required to use personnel in the certification process employed under standards equivalent to State merit system personnel standards or any standards later prescribed by the Office of Personnel Management under Section 208 of the Intergovernmental Personnel Act of 1970. Six commenters addressed this issue. The Navajo tribe questioned whether the Intergovernmental Personnel Act of 1970 applied to trust territories. All six commenters recommended that FNS accept tribal personnel system standards, three qualified their recommendations by stating that the personnel systems must protect against discrimination, nepotism and political patronage.

The final rules remain unchanged as the Act requires that the "personnel utilized in undertaking such certification shall be employed in accordance with the current standards for a Merit System of Personnel Administration or any standards later prescribed . . ." Individual tribal personnel systems will be evaluated on a case-by-case basis to determine if they are equivalent to the appropriate Office of Personnel Management standards.

Civil Rights Assurance

The proposed regulations provided that the ITO shall comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), the Age Discrimination Act of 1975 (Pub. L. 94-135), the Rehabilitation Act of 1973 (Pub. L. 93-112, Section 504), and Section 11(c) of the Food Stamp Act of 1977 and all pertinent regulations or directives to the effect that no person in the United States shall, on the grounds of sex, race, color, age, political belief, religion, handicap, or national origin, be denied benefits or otherwise be subjected to discrimination under the Food Stamp Program. Where appropriate, FNS shall consider the adequacy of measures taken by the ITO to ensure that there is no discrimination.

One comment was received from the Creek Nation of Oklahoma which stated that Indians should not have to serve non-Indians, and suggested the Indians on the reservation should be served by the ITO while non-Indians on the reservation should be served by the State.

The final rules remain unchanged since the Act requires that Indian tribal organizations assure FNS that, as a Food Stamp State agency, they will serve all eligible reservation residents, Indian and non-Indian alike.

Indian Tribal Organization Failure (§ 281.7)

The proposed regulations provided that when normal program reviews of an ITO administered Food Stamp Program indicate continuing and uncorrected deficiencies, FNS may conduct a Special Review to determine State failure or to determine if the ITO has failed properly to administer the Food Stamp Program. If ITO failure was determined, FNS would, after proper warnings to the ITO, require the appropriate agency of State government to resume administration of the Program on the reservation.

Seven comment letters addressed this provision. One commenter felt that procedures for determining ITO failure should be the same as those for the State agency. Other commenters wanted more guidelines on funding and transition time. Several questioned the provision that program operation might revert to the State government agency.

The Department intends to treat any ITO administering a Food Stamp Program in much the same manner as if it were any other State agency. Therefore, for the benefit and protection of Indian and other program participants, the Department will require that any ITO administering a Food Stamp Program must adhere to all relevant statutory and regulatory provisions, or be penalized as any other State agency. When Performance Reporting System reviews indicate continuing deficiencies exist and corrective action proposals, with or without application of appropriate sanctions, have not resulted in a sufficient degree of improvement, FNS will conduct a review to determine if the ITO has failed to administer the FSP under § 281.3(b)(1), and shall follow notification and determination procedures in § 281.3 (c), (d) and (e).

In accordance with the Act, the final rules provide in the event that an ITO becomes no longer "capable of conducting such program" administration that the Food Stamp Program would revert to the State which would then have to administer the Program on the reservation pursuant to the nationwide mandate.

Transfer of Program Administration (§ 281.8)

A new section 281.9 has been added to the final rules to provide for a formal termination and transition arrangement to efficiently and effectively transfer program responsibilities between State agencies. The procedure applies both when the Program is being transferred from the State government to an ITO, and in the event the Program must be subsequently transferred from an ITO back to the State government.

Funding (§ 281.9)

The proposed regulations provided that the State agency or ITO will automatically receive 50 percent of the administrative costs of running the Food Stamp Program on a reservation. Section 281.9 further proposed a process by which a State agency or an ITO could present compelling justification for additional funding above the 50 percent level. The Department explored the possibility of developing more specific criteria for providing funding in excess of 50 percent, and encouraged comments on this issue.

The Department received 53 comments on this issue. Many commenters felt the Department should provide 100 percent funding for Indian Food Stamp Programs. Some tribes and State agencies stated that 50 percent funding was completely inadequate. Some felt that the Department's requirement for compelling justification placed a heavy burden on tribes, and many commenters supported the combined position of the Food Research and Action Center (FRAC) and the Board of the Indian Food and Nutrition Resource Center,[11] who recommended that the Department provide 100 percent funding unless the Secretary found compelling justification to provide a lesser amount.

The final regulations authorize the Secretary to fund 75 percent of the approved administrative costs of an ITO operated Food Stamp Program on a reservation.[12] The final rules require some investment by the operating agency which should provide the ITO with an incentive to run a better and more cost efficient program. Any approval for funds in excess of 75 percent must be based on a compelling justification that such additional amounts are necessary for the effective operation of the Food Stamp Program on the reservation. If an ITO is dissatisfied with the level of funding made available by FNS the ITO may file an appeal under § 281.10.

The final regulations also authorize FNS to pay agencies of State government 75 percent of the administrative costs approved by FNS for such functions as certification, issuance, outreach, fair hearings, and quality control incurred on the reservation to meet the standards set by the Food Stamp Act of 1977. The final regulations further provide that FNS may pay to each agency of State government administering a Food Stamp Program on a reservation 75 percent of all approved administrative costs incurred off a reservation for activities that are primarily directed at providing better services for Indians on the reservation, such as hiring interpreters, or Indian outreach workers, or moving a certification or issuance center closer to a reservation. If the agency of State government is dissatisfied with the level of funding made available by FNS, it may file an appeal under § 281.10 for an increase in the 75 percent funding level if it can provide FNS with compelling justification. Especially since an appeal from the minmum funding level is permitted, as recommended by many comments, FNS believes that the 75 percent minimum is a reasonable balance between the need to provide adequate funding for program operations which benefit Indians (including off reservation activities) and the need for fiscal restraint. While many commenters desired a description of what constituted the "compelling justification" for an increased Federal funding contribution, few were able to offer any useful criteria. In light of the variety of possible situations, FNS believes that this issue should be handled on a case-by-case basis after careful review of the specific circumstances.

Formalized Review—Appeals Procedure (§ 281.10)

The preamble to the proposal noted that it did not include a section authorizing procedures for the administrative review of FNS determinations regarding: (1) the capabilities of an ITO to administer the Food Stamp Program; (2) the failure of a State agency to "properly administer" the Food Stamp Program; and (3) the failure of an ITO properly to administer the Food Stamp or Food Distribution Program. It was thought that most of the above determinations would likely be made after careful review by the Administrator, FNS. Therefore, a formalized administrative review procedure was not considered necessary. However, it is not contemplated that the FNS Regional Offices will play a major role in the resolution of these issues.

Eighteen commenters supported the establishment of formalized review procedures, and most commenters added that an appeal procedure for funding levels should also be developed. The Food Research and Action Center and the Board of the Indian Food and Nutrition Resource Center proposed that any tribe or State agency be allowed to challenge an initial determination made by FNS by addressing such appeal to the Secretary. They proposed that the Secretary designate a hearing official who would be required to conduct a hearing within 30 days of the appeal request. After the hearing, the hearing

[11] FRAC and the Board of the Indian Food and Nutrition Resource Center submitted a combined comment. FRAC is a national public interest group which specializes in anti-hunger work.

[12] Regarding the increase in the minimum administrative funding level for the Food Stamp Program, the State of Texas noted that the "operation of the program on a reservation will most likely entail higher costs than normal . . ." The *House Report* also emphasized this point by noting that: the reason for this potential expansion on cost-sharing for administrative costs is that at present many States and counties are reluctant to provide the funds necessary to administer these programs properly on reservations [since] reservation residents often do not pay State or local taxes . . .

Regarding the proposed 50 percent funding ratio for tribal operation of the Food Stamp Program, the Navajo Nation bluntly stated, "if administering ITO's are required to provide 50 percent administrative match . . . ITO's [are] out of the food stamp administration picture . . ."

official would have to provide a recommendation to the Secretary who would render a decision within 15 days of the hearing's conclusion. Four other commenters supported this proposal.

The final regulations establish a direct appeal to the Administrator, FNS, or his/her designee, regarding the three issues in the proposal and two additional ones: whether a "reservation" exists and whether the Federal matching percentage level of administrative funding is sufficient. While in some situations the Administrator may have been to some extent involved in an original determination, these appeal procedures provide an opportunity to formally present all the relevant evidence directly to the Administrator, or his/her designee. Moreover, the rules require that a formal and final decision be made at that same level. Other funding issues must be appealed under the Administrative Review Procedures in Part 276. The same appeals procedures have been added to Part 283 for State agencies or ITO's dissatisfied with FNS's determinations regarding the Food Distribution Program.

Food Distribution Program (Part 283)

Much of the preceding discussion pertaining to the administration of the Food Stamp Program on a reservation is pertinent to this Part, and to the extent applicable the preceding discussion is hereby incorporated by reference. In addition, the following comments are applicable to the Food Distribution Program.

Definitions (§ 283.2)

One respondent suggested that "Food Distribution Program" be defined since it is not a statutory program but an activity authorized under various legislative authorities. FNS adopted the suggestion and the term is defined under § 283.2(a) in the final regulations.

Several commenters recommended that the phrase, "exercises governmental jurisdiction," used in the definition of a reservation should be clarified. Therefore, a definition of the phrase has been added to the final rules explaining that it means the active exercise of the legislative, executive or judicial powers of government by an Indian tribal organization. The phrase is further discussed in this preamble in the Food Stamp Program section.

Indian Tribal Household

Under the final rules for concurrent or separate operation of the Food Stamp or Food Distribution Programs, a definition of Indian tribal household is necessary. The rules, therefore, define Indian tribal household as a household containing at least one adult who is a member of a tribe represented by the ITO for the particular reservation on which that household is located. Also, Indians who live near a reservation on which their tribe is represented by that ITO shall be considered tribal members. The significance of this definition is discussed later in this preamble. The final rules purposely avoid precisely defining "tribal member." Certain tribes apparently define membership in differing ways. The manner in which each tribe defines its own menbers is left to each tribe's discretion. If the lack of a technical and nationwide definition of Indian tribal member raises significant problems, the Department will consider whether any such definition can be appropriately developed at a later date.

Availability of Commodities (§ 283.3)

Concurrent or Separate Food Program Operations

Three commenters expressed the belief that affording ITO's a choice of participating in either the Food Stamp or Food Distribution Program discriminates against non-Indians, especially migrants and elderly persons. One commenter believed that dual program operations defeat the purpose and intent of the Food Stamp Program. Concern was expressed by one person that the distribution of commodities on parts of a reservation would encompass administrative problems both for the State and tribes which would not allow for orderly certification and distribution of food.

The concurrent operation of both the Food Stamp and Food Distribution Programs, at the request of the appropriate ITO, and the restriction of the latter program to Indian reservation areas are provided for in the Food Stamp Act of 1977; therefore, the proposed language is retained in the final regulations.

Comments discussing the separate or concurrent operation of the Food Stamp and Food Distribution Programs raised some difficult problems. Of course, where the ITO does not request operation of the Food Distribution Program these problems do not exist. For almost all areas of the country, the Food Stamp Program already serves as the basic and most significant food assistance program and is designed to provide an opportunity for eligible households to obtain a more nutritious diet.

Subsection 1304(a) of the Food and Agriculture Act of 1977 requires the Department, to the extent it provides for commodity distribution to Indians, to improve the variety and quantity of those commodities "supplied to Indians in order to provide them an opportunity to obtain a more nutritious diet." The Department has already made those improvements in the operation of its Commodity Distribution, now called Food Distribution Program, and considers the Food Distribution Program an adequate substitute for Food Stamp Program participation. Of course, certain households for particular reasons may prefer one program over the other.[13]

The Act allows the ITO to decide whether to request the Food Stamp Program, the Food Distribution Program, or both, for operation on the appropriate Indian reservation. The authority to make this choice may raise due process problems where the ITO selects the Food Distribution Program only. It appears that tribal entities normally do not allow non-tribal members to vote in the selection of tribal governing body representatives or to otherwise have a voice in the resolution of issues faced by the tribe. Therefore, in most cases, non-tribal households (which would include Indians who are not members of that particular tribe and non-Indians) located on the reservation could not participate, directly or indirectly, in any decision to reject food stamp participation.

Moreover, unless the Food Distribution Program were made available to non-tribal households, including non-Indians, located on a reservation where the ITO rejected food stamp assistance, needy low-income non-Indian households could not apply for either program. To avoid this situation, and yet give meaning to the Congressional decision to provide for "distribution of commodities, with or without the Food Stamp Program . . ." where the ITO "request[s] . . . concurrent or separate food program operations . . ." for reservation areas, the final regulations provide that non-Indian households on such a reservation must also be allowed to apply for commodity assistance.

Since some non-tribal households which reside on a reservation may prefer food stamp participation instead of food distribution participation, FNS has decided as a matter of policy to require project areas adjacent to reservations to service non-tribal households which apply at food stamp offices off the reservations, when there is no Food Stamp Program on the

[13] Even if one program could potentially provide more nutritional benefits than the other, households could find participation in the other program, on balance, more convenient or desirable for a variety of reasons.

reservation. Controls will have to be established to ensure that no household simultaneously participates in both programs. It is recognized that certain non-tribal households which prefer food stamps but which live a distance from the reservation boundary may find it inconvenient or even impossible to apply for food stamps. Nonetheless, the commodity benefits which are provided under the Act and § 1304(a) of the Food and Agriculture Act should effectively substitute for food stamp assistance in most situations. Requiring food stamp services on the reservation where the ITO decides otherwise would undermine the statutory framework in a situation where other food assistance is in fact available.

In summary, where the appropriate ITO requests the distribution of only commodity benefits on the reservation, all household (tribal members and all others) are eligible to apply for commodity assistance. However, non-tribal households may apply for food stamps at food stamp certification offices which are located off the reservation. Tribal members shall be bound by the tribal decision made by their representatives to reject Food Stamp Program assistance.

However, to effectuate the purposes of the Act and greatly increase program efficiency, the final rules allow the Secretary, or the Secretary's designee, to determine if there are areas within the confines of a reservation where it would be appropriate to provide both food stamp and food distribution benefits. An example might be urban areas on reservations with high concentrations of non-tribal members who could play no role in the ITO decision to reject food stamp operations. In that circumstance, it would be especially unfair to these non-tribal members if such a city or town was located at a distance from off reservation food stamp certification offices. The *Senate Report* at page 129, mentioned that, "some areas, especially those near cities or towns, may best be served by food stamps. Other more remote areas may best be served by the Food Distribution Program or by concurrent operation." Under this exception to the normal rule, households located in those areas would be eligible for food stamp or food distribution benefits.[14]

This rule approximates, *in a workable manner,* certain program results that could have followed a narrower interpretation of the reservation definition found in the Act. There are situations where individual lots, otherwise within "established" Indian reservation boundaries, have been sold to non-Indians. For example, many individual lots situated in "non-indian towns," or urban areas may have been sold to non-Indians. The non-Indian owners of these lots which are carved out of larger established Indian reservations might not be subject ot the same tribal governmental jurisdiction as their Indian neighbors. Nonetheless, these final rules consider the "checkerboarded" non-Indian lots as part of the reservation. Had this decision not been made, households residing on those individual lots could have been eligible to apply for food stamp assistance from the State agency where the tribe requested commodities only. The decision avoided the creation of perhaps hundreds of tiny food stamp enclaves, based on the analysis of individual land titles, which would have created serious administrative problems.

Additionally, under the Food Stamp Act, ITO's are free to divide reservations into areas to be served by food stamps only or by commodities only, or both. Coordination between the Department and the ITO is thus important regarding the Department's decision to define the excluded areas discussed above.

The final rules also allow for the issuance of commodities to Indian tribal households which reside "near" the reservation. The Department believes that the issue of who lives sufficiently near the reservation will become self-defining. Households eligible for commodities will, in most cases, be eligible for food stamps. It is presumed that many Indian tribal households would be unwilling to travel very far to obtain commodities at a reservation office, especially if they were provided the alternative of food stamps.

The issuance of benefits to tribal members who live near, but not on, the reservation is consistent with the delivery of benefits under Bureau of Indian Affairs programs and should effectuate a purpose of § 1304(a) of the Food and Agriculture Act, which is to increase benefit delivery "to Indians." The Department, to reduce the possibility for fraud and taking into account the alternative availability of food stamp assistance, has limited this off-reservation commodity assistance to Indian tribal households. Normally, ITO's maintain enrolled tribal membership lists regarding their tribe(s), and thus could readily confirm tribal status. Moreover, in many cases most of the Indians living near a particular reservation will be members of one of the tribes represented by the ITO. The Navajo Tribal comment noted, in this regard, that:

> In reality Tribal Governments deliver services beyond such [treaty or legislatively] drawn boundaries to its members in areas contiguous to the reservation proper. . . . Currently, the BIA, IHS [Indian Health Service], CETA [Comprehensive Employment Training Act] and CSA [Community Services Administration] federal agencies recognize this situation and have allowed the delivery of services to such . . . areas.

The Department is fully aware that the resolution of the concurrent or separate program operations issue may benefit some households more than others. Nonetheless, the Department believes it has carefully balanced the issues involved and has developed a reasonable solution.

Household Distribution

One commenter expressed the desire that FNS should offer hunting and fishing equipment for Alaska. FNS has no authority under any legislation to provide such equipment.

One letter stated that FNS should purchase processed and raw foods for the commodity package from Indians. Federal requirements provide that foods acquired by the USDA for donation to eligible participants must be acquired on a competitive bidding basis. Indians may bid when purchase announcements for foods are published. However, the Department cannot favor any segment of the population in awarding food purchasing contracts for delivery.

Three commenters suggested that FNS make money available to Indian tribes so they can purchase native and cultural foods raised in their area for distribution under the program.

Enabling legislation authorizes the Secretary to acquire and distribute commodities for certain food assistance programs including distribution to Indians. There is no statutory authority for the Secretary to delegate or transfer this acquisition and distribution responsibility and function to Indian tribal entities. Consequently, FNS has not adopted this suggestion in the final regulations.

Many commenters expressed the desire for FNS to improve the commodity package described in the preamble of the proposed rules. Recommendations were offered regarding content, choice, packaging, labeling, amounts offered, and other aspects relative to commodities for use by households. FNS addresses these

[14] Based on prior experience the Department does not believe that great numbers of non-Indians will apply for food distribution assistance. It is anticipated that, when faced with the choice, non-Indians would not normally switch from food stamp assistance.

concerns in a separate section entitled, "The Commodity Package."

Implementation

In the preamble to the proposed rules, the Department specifically requested "suggestions regarding the practicality and reasonableness of the proposed implementation schedule." A small number of commenters discussed these issues. The State of North Dakota, which administers the Food Distribution Program on four Indian reservations, stated that the:

> Implementation of the new distribution rules within 120 days after publication . . . [is] very restrictive, and [we] suggest it be modified to 160 days. The time needed for consultation, developing manuals, setting meetings with tribal authorities, training certification workers, and working through the numerous interpretations with Regional personnel is very time consuming.

The State of Idaho stated that:

> A State agency must be allowed a reasonable time, no less than 180 days, to assume program administration to allow for staff training, printing of program eligibility manuals and forms, preparation of a plan of operation, etc.

The State of Texas, which may have two reservation areas "potentially affected by the proposed rulemaking," thought that while the 120 days allowed for conversion from the old to the new program rules would not be long enough "in the case of a large reservation," that "the 180 days allowed for starting up a new program seems to be adequate."[15]

The final rules provide, in the case of currently operating programs, that conversion from the old rules to the new must take place within 120 days from the FNS determination as to whether the ITO or the State agency will administer the Program on the reservation. Regarding the 120 day timeframes for the ITO, FNS may approve a tribal implementation schedule if such schedule extends beyond 120 days subsequent to a determination as to its capability upon good cause shown by a tribe.

In cases where the Food Distribution Program is not currently operating, the ITO or State agency will be allowed 120 and 180 days respectively to implement the new program. Extensions may be granted by FNS to the implementation timeframes based upon compelling justification, involving circumstances which were not reasonably foreseeable, and which were not the fault of the tribe or the State agency which circumstances present extraordinary problems that would render earlier implementation infeasible.

Since few comments were received on these issues, FNS also discussed implementation timeframes with its Regional offices. The Department believes these schedules fairly balance the need for a smooth and orderly transition (taking into account the concerns of the commenters) against the interests of rapid program implementation. FNS, to the extent necessary, shall take steps to ensure that implementation schedules are followed. The Department hopes that the "established reservation" approach will accelerate its own review process in many circumstances. Note, that regarding the FNS acknowledgement of properly addressed requests for tribal Food Distribution Program operation, that tribes should write to the appropriate FNS Regional Office and write "Attention: Tribal request" or similar language on the outside of the envelope.

Administration (§ 283.4)

State Administration

Six commenters expressed opposition regarding the proposed requirement that an agency of State government must administer a Food Distribution Program on Indian reservations in accordance with the written request of the ITO if the ITO does not desire to administer the Program or if the ITO is determined by FNS to be incapable of Program administration.

Four States insisted that no funds are available to administer the Food Distribution Program. One of those States maintained that, if funds were somehow made available, at least 180 days would be needed to assume administration because of the need to train staff, develop a plan of operation, print forms and complete related requirements. One State indicated that it has not distributed Federally donated foods to any eligible outlet since 1974, and does not intend to reactivate a distribution structure. One commenter contended that the first opportunity to operate the Food Distribution Program should be given to the ITO. If the ITO failed, then the State agency should administer the program.

Based on the Act, the final regulations have been revised to clarify that, if an ITO desires to have the Food Distribution Program operating on its reservation and is capable of administering the program, the ITO must do so. However, if both the ITO and the State agree, an agency of the State government may administer the Food Distribution Program on the Indian reservation. The language of the Act does not compel a State government to operate the program merely because an ITO prefers not to administer food distribution on a reservation. Only if FNS makes a finding of incapability on the part of the ITO, would the State government be required to administer the program on behalf of the Indian tribe.

Four commenters recommended that if an ITO requests approval to administer a Food Distribution Program the Secretary should determine the ITO's capability to do so within 30 days.

FNS concurs that a timeframe for determination should be specified, and has provided in the final rules that the capability of an ITO not currently administering the Food Distribution Program must be determined by FNS within 60 days after receiving the ITO's request. A 30-day timeframe is overly restrictive in that some determinations of reservation status or capability may require additional research and collateral contacts. Initially at least, FNS may also receive a number of requests all at the same time, which will make it difficult to assure that each request would be handled in no more than 30 days. A 30-day timeframe, however, is specified for determining capability of an ITO currently administering a Food Distribution Program.

One commenter recommended that the final rules affirmatively state that a State agency responsible for administering the Food Distribution Program may contract certain Program functions to an ITO. FNS has adopted this recommendation.

Application by an ITO

A provision has been added to the final rules that an ITO which desires to participate in the Food Distribution Program must submit an application to FNS specifying whether the Program is desired on all or part of the reservation; independent of, or concurrent with, the Food Stamp Program; and other relevant information.

Tribal Capability

The proposed rules provided that FNS would, if requested by an ITO which has been determined by FNS to be capable of administering a Food Distribution Program, provide the organization's designees with training and technical assistance as necessary to prepare the ITO to take over program

[15] The proposal actually established the 180 day deadline for the imposition of the new personnel and staffing requirements where the new rules required "the hiring [and training] of paid staff. . . ." Although Indian tribes and food advocacy groups submitted thorough comments, they did not recommend or discuss, by and large, particular implementation timeframes.

administration. FNS would consult with BIA to determine what training and technical assistance is necessary.

Several suggestions were received that FNS should also consult with the ITO as well as BIA. FNS did not intend to exclude the ITO from consultation regarding the training and technical assistance it needs. Clarifying language to this effect has been added.

Six commenters contended that FNS should be required to provide technical and training assistance to noncapable tribes so they could overcome their deficiencies and be able to operate the Food Distribution Program. Three additional comments stated that a reasonable amount of technical assistance should not be witheld from any tribe desiring to qualify for program administration.

The Department did not intend to preclude tribes with basic capabilities from becoming fully capable to administer a Food Distribution Program through necessary training and technical assistance. However, the Department does not intend to provide training and technical assistance to all ITO's upon request. The Department does not have sufficient funds or staff to do so unless the ITO has been determined potentially capable of Food Distribution Program administration. Such expenditures would only result in the diversion of limited funds which could be better used elsewhere to benefit Indians and other recipients. Therefore, the language has been revised to clarify that training and technical assistance for tribes determined to be *potentially* capable of program administration based on general management experience.

State Agency Requirements (§ 283.5)

Plan of Operation

One commenter stated that the State agency should be required to submit its plan of operation annually to the ITO for review. The final rules provide that the State agency should periodically consult with the ITO regarding the current status and applicability of provisions relating to Indians in the plan of operation.

The proposed rules require the State agency, if not an ITO, to consult in good faith with the ITO when developing the plan of operation for administering the Food Distribution Program on behalf of the ITO. One commenter recommended that FNS should elaborate on the standards used to judge whether a State agency is consulting in good faith with the ITO. Four others believed that FNS approval should be contingent upon the ITO approving every facet of the plan unless the State agency could demonstrate to FNS that it would be impractical to comply with the requests of the ITO.

FNS believes that the ITO is adequately protected regarding the consultation and approval process by the requirement that the State agency submit the plan of operation and any subsequent amendments to the ITO at least 45 days prior to submission to FNS, and that the State agency must attach any comments from the ITO to these documents. The comments should enable FNS to evaluate the extent and depth of consultation and any concerns of the ITO in determining approval or disapproval of the State agency's plan of operation.

One commenter recommended that FNS develop at the Federal level a standard Plan of Operation for use by State agencies.

FNS plans to consider this recommendation in the future. The experience gained in providing training and technical experience to a variety of State agencies with various administrative and operational structures should enable FNS to develop a more useful and adaptable model.

Operating Manuals

One commenter stated that the State agency's operating manuals should be submitted to the ITO, as well as to FNS, for final review and approval. As in the proposal, the final rules require the State agency to maintain ongoing consultation with the ITO in developing the State agency's operating manuals and to submit these to FNS prior to their use. A provision has been added to the final rules that the State agency must file for review by FNS any comments or recommendations offered by the ITO relating to the operating manuals.

Staffing

Regarding certification personnel, three commenters recommended that if an ITO is presently administering other Federal programs, the personnel system deemed adequate for those Federal programs should be deemed adequate for a Food Distribution Program.

FNS is primarily concerned that certifiers for the Food Distribution Program be employed in accordance with a personnel system that incorporates the basic elements of a merit system. The comment of the Navajo Tribe explained that tribes may wish to value prior work experience more than formal education. The Food Research and Action Center noted that protections against "discrimination, nepotism and political patronage" should be sufficient to guard against possible employment abuses. The requirement for a merit personnel system is not intended to set job qualifications for specific positions, but to assure that general employment and hiring practices are based on merit rather than patronage.

Three commenters proposed that if an agency of State government operates the Food Distribution Program on an Indian reservation it should attempt to ensure that substantial percentages of Indian people are hired to staff the Program's operation. Each State agency has sufficient administrative discretion to adopt this proposal as a goal. FNS recognizes the responder's concern, and encourages State agencies to do so within the framework of these regulations.

The hiring of tribal members to certify other tribal members should make applicants feel more at ease, should reduce communication difficulties, and should improve the Food Distribution Program's image among Indians.

Three commenters proposed that State agenies should be required to establish grievance procedures so that program applicants can initiate disciplinary action against administrators who refuse to respect Indian rights under the Program. FNS believes that the concern is adequately dealt with by § 283.7 of the final regulations. Under that provision, the State agency must provide a fair hearing to any household aggrieved by any action of the State agency which affects the participation of the household in the Food Distribution Program. Inherent in this is the requirement that remedial action will be taken to protect participants' rights. No change is made in the final regulations.

Bilingual Requirements

The proposed rules required the State ageny to provide bilingual staff and certification and outreach materials when either an estimated 100 or more low-income households or the majority of low-income households on a reservation are a single language minority.

One commenter believed such assistance should be provided if 25 or more households needed bilingual assistance. While State agencies may elect to lower the numerical base for bilingual assistance, FNS has decided to retain the standard as proposed. The Papago Tribe of Arizona noted that, "the requirements for bilingual staff, certification and outreach materials are excellent."

Four commenters preferred that the term "single language minority" be redefined to mean households whose language of primary familiarity is other than English. The bilingual requirement is intended to remove the lanauage participation barrier for many households which are unable to communicate in English rather than for those who prefer a language other than English.

This definition also permits State agenies to utilize information gathered for Food Stamp Program purposes to determine the need for bilingual services for the Food Distribution Program.

Outreach and Referral

One commenter supported the proposed provision that State agenies become familiar with other public and general assistance programs so that the State agency can identify households which might be eligible for food assistance and to refer those households to the appropiate office or program. Another letter recommended that this provision be deleted.

The proposed rule will be retained as an efficient means to assist potentialy eligible households to obtain knowledge about programs designed for their benefit. The Buffalo Area Metropolitan Ministries stated that, "we applaud the provision which requires that the State agency shall be sufficiently familiar with WIC [Women, Infants and Children feeding program], SSI [Supplemental Security Income Program], and Commodity Supplemental Program . . ." to provide referral services.

Four commenters recommended there should be at least one outreach coordinator and adequate bilingual staff for each reservation.

FNS believes that the proposed requirements are adequate and will prove effective. However, a State agency may decide to have more outreach or bilingual staff than required by the regulations based on considerations such as the size of program, the number of participants and the number of single-language minority households.

Training Requirements

One commenter stated that the State agency should institute a reservation-wide training program for outreach workers if the ITO requests such training.

The proposed rules required the State agency to institute a training program for those involved in outreach. FNS believes elaboration is not necessary in the final regulations.

Another commenter stated that the list of what topics the State agency training programs shall cover should be expanded to include the specific needs of the ITO's and the Indian tribes or bands to whom the State agency offers services. Three other commenters recommended that training should, when feasible, be conducted on reservations, and that the sessions should include instruction and information about the unique culture and background of Indian people. These respondents also recommended that tribal leaders and residents should be informed in advance about the training sessions and should be invited to attend.

The proposed training rules were developed to ensure a well-staffed, well-administered and responsive Food Distribution Program. It is anticipated that many training programs may in fact include the components envisioned in these comments. However, FNS does not believe it is appropriate to mandate training to the extent it covers more than administrative procedures and standards or program criteria. Therefore, no changes in this paragraph were made in the final regulations. Note that the final regulations provide for public, therefore Indian, participation at training sessions under certain circumstances.

Nutrition Education

Three commenters stated that the nutrition education aspects of the Program should be imposed by regulation and implemented registered dietitians who are familiar with nutritional needs and food preferences of Indians. One letter stated there should be a clarification of the Department of Agriculture's Extension Service's input and another letter stated that regulatory language should be clarified to preclude a State agency hiring additional personnel which would duplicate services provided by other organizations.

Therefore, to foster better nutrition and the effective use of program benefits, the final regulations are revised in light of the preceding comments except that no explicit provision for a registered dietitian is included. FNS believes it is unnecessary to require dietitians since other resources may be adequate to meet program needs.

Records and Reports

The final regulations include an OMB requirement regarding the retention of records when litigation, claims or audits are involved.

Investigations

Three commenters stated that USDA investigations should also be conducted upon the request of an ITO or upon the request of a substantial number of program applicants and recipients.

The proposed rules provided that the Department shall make investigations at the request of the State agency or when the Department determines an investigation is necessary. If an ITO or a substantial number of individuals request an investigation, the Department would be justified in determining that an investigation is necessary. The Department believes that the rules, as proposed, are adequate.

Sanctions

One commenter recommended that since many Indian reservations are a Federal responsibility, the Federal government should conduct the Food Distribution Program where an ITO requests the program but does not want to administer it. However, the Act envisions that only State agencies or ITO's may administer the Food Distribution Program. Therefore, the final regulations follow the requirements of the Act.

One commenter complained that the proposal discriminated against ITO's because the proposed rules provided that if a State agency were disqualified from administering the Food Distribution Program, it could be reinstated if FNS approved its plan for corrective action; whereas a disqualified ITO was not given the same opportunity. The Department had intended the term "State agency", unless otherwise specified, would apply equally to agencies of the State government or ITO's. However, the final regulations are revised to clarify that the ITO may also submit a corrective action plan.

Three commenters recommended that the lifting of sanctions against a State agency should not occur merely upon submission of a corrective action plan but upon a demonstration of full compliance with pertinent regulatory or State plan requirements. In some instances it may be necessary for FNS to lift sanctions in order for the State agency to comply with its plan for corrective action. For example, FNS might find it necessary to release or restore administrative funds to enable the State agency to undertake program improvements. To provide FNS with flexibility, no changes relating to this recommendation were made in the final regulations.

Three commenters suggested that FNS consider withholding administrative funds for the general operation of the Food Stamp Program in the State as an additional sanction against abuses in the Food Distribution Program. FNS has rejected this suggestion since the same State agency might not be responsible for the administration of both programs. For instance, it would not be effective to sanction a State welfare agency's food stamp administrative funds for an ITO failure to administer a Food Distribution Program properly. Even if both Programs are administered by the State government, different agencies or different personnel within the State may be involved.

Appeals

Based on the comments, a new section has been added to the final rules which details a procedure for the agency of the State government or an ITO to appeal initial determinations made by FNS regarding whether a "reservation" exists and regarding the administrative capability of an ITO, the imposition of sanctions against the State agency and the level of Federal matching funding.

Eligibility of Households (§ 283.6)

In response to proposed criteria on determining the eligibility of households for the Food Distribution Program, 12 letters with approximately 37 comments were received. The majority of commenters supported the Department's intent to simplify Food Distribution Program eligibility requirements rather than adopting identical Food Stamp Program criteria for eligibility. Several commenters posed suggested revisions, some of which were for clarification purposes only.

Areas to which comments were primarily addressed included categorical eligibility, jointly owned resources, income exclusions and allowable deductions. These areas of concern and others are discussed in more detail under specific headings.

Household Concept

To assure that all substantive criteria which affect eligibility are addressed in one place in the Food Distribution regulations, the definition of household concept has been moved from Definitions, § 283.2, to § 283.6.

One commenter felt that the eligibility of households should be based on economic units rather than common food purchasing and preparation units as proposed and that residents of institutions be eligible for the Food Distribution Program.

With regard to the first comment, the basic test for eligibility in the Food Distribution Program involves a review of financial resources. The basic purpose of the program is to provide benefits to needy households. Thus, it is felt that eligibility reviews should involve only those persons considered part of a food unit and hence seeking food assistance. This position is consistent with the position expressed in the *House Report* concerning the Food Stamp Program and is consistent with the food stamp regulations issued under the Act.

In the interest of program simplification and as recommended by the Papago tribe, FNS has decided to exclude boarders from the household concept.[16] Since the per person commodity allotment is not reduced as household size increases, it is not as critical to precisely define boarder status for food distribution purposes as compared to Food Stamp Program purposes. Moreover, while each program simplification considered alone may appear insignificant, taken together the simplifications should expedite the certification process for everyone and otherwise save time and effort which could better be spent on other matters.

Insofar as the eligibility of institutionalized residents is concerned, enabling legislation for food distribution permits participation by residents of institutions based on the eligibility of the institution rather than on a resident's individual or household status. The Department encourages institutions which are located on Indian reservations not already participating in Food Distribution to apply for USDA donated commodities.

Income and resource eligibility standards of public assistance, supplemental security income and certain general assistance households. Several commenters addressed the categorical eligibility of households in which all members are included in a Federally aided public assistance (PA) grant, a Supplemental Security Income (SSI) grant or certain general assistance program grants.

Comments were about evenly divided in support of or opposition to the proposal. The Department has retained the categorical eligibility provision in order to reduce to the extent possible administrative burdens involved in determining household eligibility. As noted by the Food Research and Action Center:

> Since benefit levels in the Commodity Distribution Program are not variable based on income, and since public assistance[17] recipients are most likely to be eligible for commodities, the Department's decision [providing automatic public assistance eligibility] is wise. Moreover, the Department's decision, in this respect, will help to simplify program administration.

Two commenters indicated that paragraph (c)(1) of this section needed to be amended to clarify that categorical eligibility does not extend to SSI households in cash-out States. Clarifying language to this effect has been added.

Resource Eligibility Standards.

The majority of commenters supported the requirements contained in this section except for the provision on the treatment of jointly owned resources. For example, the Buffalo Area Metropolitan Ministries noted that, "the efforts to simplify eligibility requirements for households are very good." Two commenters felt that all jointly owned resources should be prorated with only the prorated amount counting toward the applicant household's total resources. For administrative convenience, the Department has adopted those recommendations.

In responding to § 283.7(e)(3) one commenter pointed out that the proposed regulations had not provided language on how to treat the resources of a household member who had been disqualified from participation in the Food Stamp Program for fraud when determining the remaining household members eligibility for the Food Distribution Program. Therefore, language has been added to the final rules which count in their entirety the resources of disqualified individuals to remaining household members. Without this rule, which is consistent with Food Stamp Program rules, households could benefit from the intentional fraud of a household member by having fewer resources counted upon the disqualification of that member.

In addition, the paragraph on handling excluded funds has been revised to clarify the handling of student and self-employment income which has been prorated. While the intent was never to count these payments as a resource, the rules on handling an excluded resource

[16] Texas recommended the opposite simplification. They noted, "it is more realistic to consider those who live and eat together as one household than to exclude boarders and live-in attendants." This recommendation could result in the ineligibility of an entire household where the income and resources of boarders would place the rest of the household over the eligibility limits.

[17] The Navajo Tribe pointed out that the number of public assistance, general assistance or supplemental security income households that would not be eligible for the commodity distribution program, without categorical eligibility, would be "very small."

appeared to apply. Therefore, language has been revised to specify that prorated student and self-employment income is exempt as a resource so long as a portion is being counted as income.

The resource eligibility rules are also amended in three additional aspects. The resource exclusion for earned income tax credits is revised to take into account Public Law 95–600, the Revenue Act of 1978 and the treatment of Comprehensive Training and Employment Act (CETA) payments under CETA youth employment and training programs.

Handling of Commingled Funds

In the interest of program simplification the provisions concerning the handling of commingled excluded funds have been dropped. Since certain monies must be excluded under these final rules, State agencies may develop their own procedures to ensure that excluded monies are not considered when determining the household's resource level.

Definition of Income

In drafting procedures for the handling of income in the proposed rules, the Department inadvertently excluded as income payments from Government-sponsored programs, dividends, interest, royalties and all other direct money payments from any source which can be construed to be a gain or benefit. This language has been added to the final rulemaking, along with additional clarification on how to determine capital gains.

Again in response to a comment on the handling of persons disqualified from the Food Stamp Program for fraud when determining the eligibility of remaining household members for the Food Distribution Program, language including as income the earned or unearned income of the disqualified member less his/her pro rata share has been added to this section. This rule is consistent with the Food Stamp Program approach, and does not allow households to gain Food Distribution Program eligibility through the intentional fraud of a household member regarding the Food Stamp Program. Procedures for calculating the pro rata share are described in § 283.7(e)(3).

The Department has simplified the language used in describing types of income which are to be included and excluded in the computation of household income. The Department admits that this program clarification could result in slight variations in interpretation of those more simplified income examples and rules. However, since food distribution benefits are not reduced according to differences in total countable household income, the importance of precise and intricate computation procedures is reduced. The exact amount of income is important only for households near the income eligibility limits. The Department does not believe that such a consideration justifies the imposition of complicated and time-consuming procedures on all households.

Income Exclusions

One commenter felt that training allowances to individuals living on reservations should be excluded entirely as almost all of the training allowance would likely go toward meeting high transportation costs. The regulations provide an income exclusion for reimbursements which would cover job or training related expenses such as travel, per diem and transportation costs to and from work or training sites. Were the Department to exclude all training allowances because of transportation costs, certain trainees would be receiving more favorable treatment than wage earners. The Department believes that the rules represent a reasonable response to the needs of persons involved in training programs. In response to comments requesting explanatory language for defining mandatory fees, § 273.6(e)(3) has been amended to provide examples of mandatory fees. Minor language changes have been made in § 283.6(e)(3)(vi).

Several income exclusions in § 283.6(e)(3)(x) have been revised to clarify the exclusions and to reflect revisions in the legislation. The preamble to the October 17, 1978, food stamp regulations discussed the food stamp income exclusion under Title I (VISTA) of the Domestic Volunteer Service Act of 1973. The proposed language regarding the VISTA income exclusion for the Food Distribution Program was consistent with that food stamp approach. However, in technical amendments recently published the Department is slightly modifying that VISTA income exclusion rule. These final rules are likewise modified for the reasons stated in the preamble to those technical amendments.

An additional income exclusion is for earned income tax credits received as a result of Public Law 95–600, the Revenue Act of 1978 and for payments from certain CETA Youth Employment and Training Programs which are extended by Public Law 95–524. These issues are thoroughly discussed in the preamble to the technical amendments docket discussed above. Note that the Revenue Act of 1978 continues the disregard of earned income tax credits for determining assistance payments until January 1, 1980. The Revenue Act also authorizes advance payment of earned income credits by the employer in accordance with tables prescribed by IRS. Until January 1, 1980, the statutory exclusion applies to advance payments of the credit as well as to any payment at the end of the tax year. Assuming that the January 1980 expiration date remains in effect, the advance payments will be counted as earned income after that date. However, the payment at the end of the tax year will continue to be an income exclusion because it is a lump sum payment.

Income Deductions

The Department has amended § 283.6(g) to allow dependent care costs not to exceed the amount determined as the maximum allowable deduction for dependent care costs allowable under the Food Stamp Program in the 48 States and the District of Columbia when necessary for a household member to accept or continue employment or attend training or pursue education which is preparatory to employment. The Department wishes to encourage employment and job training so that households may eventually become self-supporting, or at least provide more of their own support. A child-care deduction allowing household members to work or attend training could serve that purpose for many households. An excess shelter care deduction would not, however, be directly related to the purpose of helping households break out of their cycle of poverty through employment. The preamble to the proposal, as with many aspects of the regulations, adequately discusses the issues regarding the requested excess shelter cost deduction.

Certification of Households (§ 283.7)

Fifteen letters with approximately 90 comments were received in response to the processing of applications for the Food Distribution Program. The majority of commenters supported proposed procedures, some with suggested changes. Regarding the proposed processing standards, the Food Research and Action Center stated, "we believe the Department's fine regulatory proposals for prompt service are fully justified." The most frequently commented on areas included: ITO receipt of certification and/or termination notices, interview requirements, the determination of income, verification provisions,

assignment of certification periods, procedures for households switching from the Food Stamp to the Food Distribution Program and vice-versa, treatment of income and resources of individuals disqualified for fraud in the Food Stamp Program, expedited processing standards and fair hearing requirements. These areas of concern and others are discussed in more detail under specific headings.

Application Processing

Several comments addressed the desirability of the ITO receiving copies of certification and/or termination notices. While the proposed regulations did not require ITOs to receive copies of notices, the proposed regulations did not preclude such action. Therefore, language has been added to indicate that when the State agency is other than an ITO, the ITO may receive copies of certification notices to the extent requested or agreed upon by the household and the State agency. Moreover, the final regulations permit ITOs and State agencies to establish formalized procedures to facilitate ITO receipt of notices.

Household Cooperation

As requested by one commenter, a minor language change has been made in the final regulations regarding household cooperation to indicate that in cases where there is some question as to whether a household had merely failed to cooperate, as opposed to refused to cooperate, the household should not be denied eligibility *solely* because of that failure.

Interviews

Several commenters were concerned about the exclusion of the Food Stamp Program's out-of-office certification criteria when determining a household's eligibility to participate in the Food Distribution Program. Some commenters felt that interviews should automatically be waived under specific conditions set by the Department. The Department left out the special interview provisions contained in the Food Stamp Program regulations for several reasons.

First, anticipating a significant increase in administrative costs, including worker time, in providing benefits to each household requiring out-of-office certification, the Department decided that those resources should be expended on maximizing delivery of basic services to all households. Second, these procedures could add needless complexity and increase administrative costs while not totally responding to potential transportation problems. Third, the much shorter food distribution application processing timeframes will likely require that interviews be conducted upon filing an application. This factor will limit the problem of repeated trips to be certified.

However, to allow States to respond to emergency or unusual circumstances, the final regulations have been revised to allow the State agency the option of telephone or home visit certifications. Households may not be interviewed by telephone for any two consecutive certifications and State agencies must attempt to schedule home visits in advance. Home visits may not extend required processing standards set forth in § 283.7(a)(7) or § 283.7(a)(9).

Verification

There were many and varied comments regarding verification provisions. Most of the comments sought to bring Food Distribution Program verification requirements in line with those established for the Food Stamp Program. However, a few comments were aimed at making the verification requirements less stringent.

In line with suggested revisions, language regarding the use of collateral contacts was added to the final regulations. Comments that income verification be to the exact dollar amount and that changes in monthly income of $25 or more, instead of $50 or more, be verified were rejected as inefficient because benefits in the Food Distribution Program are not reduced as income increases. Therefore, except in the few cases when the variation in the income in question would mean the difference between eligibility and ineligibility, it is not essential to know, for example, that a household's income is $190, rather than $150 a month.

One commenter proposed that verification only be sought at the time of application if the amount given by the household is questionable and at the time of recertification if it appears that the household's continued eligibility is uncertain. However, as recertifications will often be as far as a year apart, and since the final regulations provide some latitude to the extent that verification need not be to the exact dollar amount at application and only verified under certain circumstances at recertification, the Department is not adopting these comments. Moreover, casefile documentation of verification provides an audit trail for determining the accuracy of certification for program participation.

Comments regarding proposed expedited processing standards were fairly evenly divided for and against the provision. The major concern involving the expedited delivery standard was stated by North Dakota. Their letter pointed out that, "warehouse supervisors would be required to be on duty 40 hours a week with an assistant or someone designated to act in his absence. . ." North Dakota also mentioned that, "there are times when the warehouse should be closed during working hours in order to inventory, spray to prevent infestation and other housekeeping chores." The final regulations explain that keeping warehouses open 40 hours a week may not be necessary so long as appropriate officials have access to commodities for distribution to destitute households. Under certain circumstances, FNS may approve alternative timeframes for responding to expedited cases, for example, if the distance to warehouses or distribution points is so great as to preclude same day or one day service.

ID Cards

Several commenters were concerned about the need for mandatory use of Identification Cards for the Food Distribution Program. The Navajo tribe commented that the "master card/record system in use presently on reservations administering the [Food Distribution] program" has been successful. Final regulations have been revised to allow States to use ID cards although other adequate identification must be accepted by the State. Thus, individuals, including authorized representatives, must present some form of identification before commodities can be issued to help guard against program fraud.

Determining Income

A few commenters suggested, for purposes of clarity and greater precision, that the section on determining income should include more of the language found in Food Stamp Program regulations regarding anticipated income, conversion factors, and unallowable self-employment costs of doing business. The Department has added some clarifying examples and has simplified the self-employment income calculations by eliminating the depreciation deduction while counting only the net profit from the sale of capital goods and equipment.

Certification Periods

Most of the comments in response to assigning appropriate certification periods favored the provisions as proposed. However, two commenters suggested that certification periods

automatically be one year. The proposed regulations recognized that certification periods assigned to households eligible for participation in the Food Distribution Program would normally be longer than those assigned in the Food Stamp Program, since fluctuations in income below the income eligibility limit do not affect the benefits received under Food Distribution. Moreover, the regulations allow for assigning a one year certification in situations where household circumstances are expected to remain sufficiently stable. The Department considers the proposed rules to have provided a reasonable balance between the participants' interest in long certification periods and the Department's interest in fiscal integrity.

Notices to Households

The majority of comments received on notices proposed that household notices be in the language of the household's primary familiarity. Section 283.5(d) of the final regulations requires the use of bilingual staff and certification and outreach materials when either an estimated 100 or more low-income households or the majority of low-income households on the reservation are a single-language minority. Certification materials include the notices of eligibility or ineligibility provided to households. As such, existing bilingual requirements will reasonably meet the need for issuing notices in other languages. Additionally, language regarding the use and requirements for the notice of adverse action have been moved from § 283.7(c) to this section and provisions regarding joint processing situations have been added.

Reporting Changes

Two commenters proposed that where the household has requested a fair hearing and continued benefits due to a reduction or termination of food distribution participation that benefits be continued only if the certification period has not expired. Since there are no provisions for retroactive benefits, should the fair hearing be decided in favor of the household, the Department provided for continued benefits past the expiration of the certification period if a fair hearing was requested by the household. On balance, the Department continues to believe that this is an equitable and reasonable approach and has retained the provision as proposed.

Recertification

It became apparent during the comment analysis that there was some confusion over the paragraphs discussing the signficance of applying in or before "the last week" of the certification period. The final rules simply provide that households which apply in "the last month" of the current certification period will be provided an opportunity to receive commodities on an uninterrupted basis. Since the final rules do not require the advance mailing of a termination notice, State agencies must develop some method to reasonably notably households of the termination date. Because of the tight normal processing standards, and the one day expedited processing standards, the need for formalized termination notice procedures and deadlines are obviated. Since benefits must be made available within seven working days, at the most, the Department felt that States should be allowed flexibility in providing appropriate notice. Even households which are inadvertently not notified of the termination date should be able to apply and receive benefits during the first month after the certification period has expired under the final processing standards.

One commenter proposed that households be permitted to receive continued benefits on a recertification denial if a fair hearing is requested by the household on a timely basis. Since the Food Distribution Program makes no provision for retroactive benefits, the Department concurs with this proposal and has revised the final regulations accordingly.

In addition, to reduce the burden of verification and since the amount of benefits is not reduced according to household income, this section has been revised to provide that previously verified income, if the source has not changed and the amount has changed by $50 or less, need not be verified again if applications for participation are received within 30 days after the household's certification period has expired.

Choice of Programs

Several commenters were concerned about the mechanics of households switching from one program to the other and the potential for households not receiving benefits under either program during the interim period of changing programs. Therefore, the final regulations have been revised to provide specific administrative procedures for use by State agencies when households express a desire to change programs. However, because eligibility in one of the programs does not necessarily mean the household is eligible for the other, to switch programs the household must terminate its participation in one program and reapply for the other program. Controls will assure that eligible households do not experience an interruption in benefits assuming prompt application for the other program and also prevent duplication participation.

Disqualification

One commenter pointed out that the proposed regulations provided no criteria on how to treat the resources, income, and deductible expenses of individuals disqualified for fraud in the Food Stamp Program when determining the eligibility of the remaining household members for participation in the Food Distribution Program. The final regulations have been revised to provide specific criteria for handling of income and resources of disqualified members.

Joint Processing PA/GA

One commenter proposed that joint processing be required, rather than a State option. However, since mandatory joint processing requirements could result in both the State agency and the ITO accepting food distribution applications, the Department has retained the requirement as proposed. Other modifications were made for clarity.

Fair Hearings

There were four comments received on fair hearing procedures. One commenter was uncertain as to whether or not the same fair hearing official could conduct the food stamp and food distribution hearings. While not specifically stated in the final regulations, the same official can conduct food stamp and food distribution fair hearings.

Another commenter felt that household should be allowed to request Food Distribution Program fair hearing postponements beyond 30 days. In the interest of program efficiency, criteria for food stamp and food distribution hearings are as closely aligned as possible. Additionally, the Department is not adopting this comment in the final regulations since delays in holding hearings will increase the possibility that information will be forgotten, that documents will be misplaced, that witnesses will become unavailable, or that facts will no longer be relevant.

One commenter also proposed that the notification of time and place of hearing be increased to 15 days in advance rather than the proposed ten day notice. Particularly in light of the postal and transportation problems existing on many Indian reservations and the "frequently isolated locations of

appellants' homes," as noted by one commenter, the Department has adopted that suggestion.

Finally, one commenter proposed that the Department provide retroactive benefits to households in which fair hearings are decided in the household's favor. However, as the final regulations permit the continued distribution of commodities to households beyond the expiration of the certification period in situation where fair hearings are involved and to households denied at recertification if a timely request for a fair hearing is made, the Department has not adopted this comment.

Moreover, issuing retroactive benefits could lead to food waste or encourage the sale of commodities for cash when provided in the form of extra food over and above the normal monthly commodity package. Note that the per person monthly commodity package is not reduced by either the individual's level of income nor the economics of scale used in the Food Stamp Program. Therefore, households could receive two, three or even more times their full monthly commodity package if benefits are provided retroactively.

The only effective remedy for the anticipated loss of food assistance is timely delivery of those benefits. As such, the final regulations require that State agencies establish special procedures for the prompt resolution of disputes over program eligibility, i.e., agency conferences. These conferences must be held within four working days of a request for an immediate resolution of a dispute involving program eligibility. To meet this standard, agency conference procedures need not duplicate the full dual process protections of a fair hearing. Households requesting agency conferences must also be allowed to request a fair hearing.

Moreover, the final regulations permit the continued distribution of food commodities to households beyond the expiration of the certification period in situations where fair hearings are involved and to households denied at recertification if a timely request for a fair hearing is made.

Commodity Control, Storage, and Distribution (§ 283.8)

Commodity Inventories

Five commenters recommended that the final regulations should provide that inventories be maintained at a level which ensures the constant availability of no less than a two months supply of the total commodity package for each participant.

FNS has decided to retain the language of the proposed rules which requires the State agency to ensure that an adequate supply for the uninterrupted distribution of commodities is on hand at all distribution sites. It may not be practicable nor reasonable to maintain a two months supply of commodities at a distribution site located in close proximity to a central warehouse. To specify a two months minimum might deter the State agency from maintaining a three to four months inventory if needed at major storage or distribution sites. The important consideration is that an adequate supply of commodities be available at all distribution sites.

Storage Facilities and Practices

Three commenters stated that points and hours for commodity issuance should be established. The Food Stamp Act of 1977 requires the State agency to comply with standards set by the Secretary with respect to points and hours of food stamp coupon issuance, but the Act does not extend this requirement to the Food Distribution Program. However, the regulations do generally provide for points and hours by requiring that sufficient distribution sites, either permanent or mobile, be geographically located or routed in relation to population density of eligible households and that days and hours of distribution be sufficient for caseload size and convenience.

Distribution

A new paragraph has been added in the final regulations to emphasize the State agency's responsibility for all aspects of the Food Distribution Program regardless of any assistance provided by other agencies or organizations or any delegations of responsibility made by the State agency.

Improper Distribution or Loss of or Damage to Commdodities

The requirement in the proposed rules that State agencies submit their claims procedure to FNS has been eliminated. FNS has determined that the provisions regarding claims set forth in Part 250 of this chapter provide adequate safeguards concerning the pursuit and resolution of claims resulting from improper certification and distribution practices.

Damaged or Out-of-Condition Commodities

Provisions in the proposed rules concerning damaged or out-of-condition commodities have been slightly modified to specify that if commodities are declared unfit for human consumption they shall be disposed of in accordance with § 250.7 of Part 250, Chapter 7 of the CFR.

Three commenters observed that the proposal did not allow families to be provided replacements for spoiled foods. Since the possibility exists that damaged or out-of-condition commodities could be inadvertently issued to a household, FNS has included a provision in the final regulations for replacement although State agencies have traditionally had discretion to make such replacement without specific provisions in Department regulations.

Administrative Funds for State Agencies (§ 283.9)

Authorization for Administrative Funds

The proposed rules provided that FNS pay 50 percent of administrative costs approved by FNS which are needed to operate a Food Distribution Program unless the State agency could submit compelling justification for an amount in excess of 50 percent.

Twelve commenters believed that State agencies which are ITO's should receive 100 percent funding for administrative costs and three additional commenters wanted the same funding level for State agencies which were not ITO's. Ten commenters expressed concern that receiving only 50 percent of program costs would place a heavy financial burden on State agencies which are ITO's who desire to administer their own Program. Several States expressed concern that their respective legislatures would be reluctant to appropriate funds to operate the Program on Indian reservations.

Six respondents complained that the "compelling justification" required for a higher percentage matching level was not defined and others were concerned that a heavy burden would be placed on State agencies if required to prepare justification.

A number of commenters insisted that the Federal reimbursement should be 100 percent unless FNS can show by compelling evidence that State agency funding, especially for ITO's, should be at a lower level.

FNS has modified the provisions concerning payment of administrative funds to provide that, within the limitations of available funds, FNS will pay to each State agency 75 percent of Program costs which are itemized in the budget information submitted by the State agency to FNS and are approved

by FNS as allowable and necessary for effective program administration.[18]

The Department examined the possibility of developing a sliding 50–100 percent funding scale or a scale with discrete funding levels to determine the appropriate funding ratio. However, the creation of a useful formula which could consider and appropriately balance the variety of needs and resources for each reservation proved impractical.

The detailed Navajo comment suggested a "three tiered [funding] allocation system," with 100 percent reimbursement, 75 percent reimbursement and a 50 percent reimbursement floor. They suggested that, "each tier level would again have specific need criteria associated with it." However, they did not suggest how these "need criteria" could be formulated.

The Navajo comment also emphasized the critical need for initial financial assistance. The Hunger Action Center stated that, "start up funding is necessary to invest in . . . basic necessities," such as warehouses and vehicles. Idaho suggested that States would also require higher levels of initial funding to set up the Food Distribution Program.

In terms of on-going funding, and based on their experience with tribal organizations, the Navajo BIA area office noted that, "very few tribes would be able to administer Federal programs if they only receive 50 percent reimbursement for their administrative costs." The Bureau of Indian Affairs national office in Washington, D.C., anticipated that, "most tribes involved in administration of these programs will require payment well over the 50 percent level . . . " They recommended, "that a tribal financial statement audited by a licensed CPA could be the basic determinant relative to that need."

The State of Texas noted, "the probable need for a Federal match in excess of 50 percent of administrative costs, whether the State agency *or* the ITO administers the program."

Taking into account points raised by the comments, the final regulations provide a minimum 75 percent administrative cost funding level for program costs which were submitted to FNS and approved as part of the State agency's or ITO's budget by FNS. To take into account any special demands or needs, the regulations also allow for approval of funds in excess of 75 percent based on compelling justification. The variety and nature of the possible grounds for additional funding make determination on a case-by-case basis the most practical approach. The possible need for higher start up funding ratios is given as an example of a "compelling justification."

The final rules provide that FNS will review and evaluate applications received from State agencies for administrative funds in the following order of priority and will give preference in the payment of funds in the same order of priority: (i) applications received from State agencies which desire to continue a Food Distribution Program now in operation, (ii) applications from State agencies, in the order received, which FNS determines are immediately capable of effectively and efficiently administering the Program, and (iii) applications from other State agencies, in the order received. It seems most cost efficient, since higher start up costs are avoided and expensive investments have already likely been made, to give first priority to maintaining existing programs. For lack of a better approach, it seems fair to allocate limited funding according to the order in which applications are received, allowing for special treatment where a State agency can immediately prepare for program operation.

Use of Funds

Two commenters recommended that funds provided by FNS be available for use to reimburse temporary loans from other Federal agencies so that State agencies could repay loans necessitated by emergency needs in the Program, and further, FNS should revise Part 275 which deals with the payment of certain administrative costs of State agencies to permit certain logistical improvements in Indian operations of the Food Distribution Program. Specifically, the commenters desire that Part 275 provide opportunities for reimbursing the costs of expanding, improving and increasing capital facilities.

FNS believes that Part 275 adequately provides for the concerns expressed, especially in the section on depreciation and use allowances, and requires no revisions.

Application for Funds

The proposed rules provided that if the State agency desired to receive administrative funds for the Food Distribution Program, it must have submitted a program budget to FNS which reflected by category of expenditure an estimate of the total amount to be expended in operating the Program during a Federal fiscal year. Approval of the budget was a prerequisite to tentative allocation of funds to State agencies.

Two commenters stated that 45 days provided for in the proposal was insufficient time to develop a budget for a new Program; 90 to 120 days was needed. In the interest of implementing the Program as soon as practical, but considering the concerns expressed, FNS has extended the 45 day maximum to 60 days for fiscal year 1980. In subsequent years, State agencies must submit an application for Federal assistance at least three months prior to the beginning of a Federal fiscal year.

Fifteen commenters protested that approval of the Program budget by FNS be a prerequisite to tentative allocation of funds to State agencies. They pointed out that they did not believe State agencies administering the Food Stamp Program had to obtain advance approval of their administrative budgets. In fact, FNS will be proposing regulations requiring prior approval of all budgets, including annual food stamp budgets. Moreover, FNS consistently retains approval authority over all administrative costs which involve a Federal matching percentage greater than 50 percent.

A limited amount of administrative funds was provided in fiscal year 1979 for operating the Food Distribution Program. To ensure maximum utilization of these funds among an unpredictable number of possible applicant State agencies, FNS preserved the right to review and approve budget estimates. For funds to be provided for future fiscal years from Section 4(b) of the Food Stamp Act of 1977, FNS will reserve the right to review and approve submissions for the Food Distribution Program in the interest of fiscal integrity and to ensure the effective and efficient operation of the program consistent with the language of the Act which authorizes the Secretary to pay such amounts for administrative costs for commodity distribution, "as the Secretary finds *necessary* for effective administration." The legislative history indicated Departmental responsibility for determining the amount or percent of administrative costs incurred by the State or tribal organization for which the Secretary will pay; and, implicitly, responsibility for determining the types of costs for which the Department will pay. Therefore, no changes in this paragraph were made in the final rules.

Availability of Funds

One letter requested that FNS delete the references in the proposed rules dealing with present and potential

[18] The administrative funding ratio problem arises in reference to both the Food Stamp and Food Distribution Programs. Issues discussed in reference to one program may also be relevant to the other program.

constraints concerning the availability of administrative funds. One commenter requested that FNS amend the rules to provide that notification by FNS to a State of Federal funds to be made available conveys to the State a vested right to those funds.

FNS has extensively modified provisions in the proposed rules regarding availability of funds. However, the final rules still recognize that the Department does not have unlimited funding available to operate the Food Distribution Program, although the amount of available funds has been greatly expanded over what was available in past years. Therefore, the Department has an order of priority included in the final regulations with regard to making payment of funds should there be insufficient funds available to meet the demand.

Method of Payment to State Agencies

This section of the proposed rules has been edited for clarity with respect to use of Letter of Credit and Treasury checks.

Return, Reduction, and Reallocation of Funds

A sentence has been added to this paragraph that FNS may reduce, transfer, or require the return of funds allocated to State agencies if FNS determines that circumstances or conditions justify such action.

Records, Reports, and Audits

Several editorial changes were made in this paragraph of the proposed rules. Also, a requirement has been added in the final regulations that a State agency receiving funds other than through a Treasury RDO Letter of Credit system submit monthly reports to FNS on Form SF-272, "Federal Cash Transactions Report," within 30 days after the end of the reporting month.

The Commodity Package

Section 1304 of the Food and Agriculture Act of 1977 gives the Secretary of Agriculture the authority to purchase and distribute "sufficient agricultural commodities with funds appropriated from the general fund of the Treasury to maintain the traditional level of assistance for food assistance programs as are authorized by law, including . . . distribution to . . . Indians." The section goes on to state that, "in providing for commodity distribution to Indians, the Secretary shall improve the variety and quantity of commodities supplied to Indians in order to provide them an opportunity to obtain a more nutritious diet." However, the report of the joint conference committee notes that the conferees do not intent that "commodity package will necessarily in and of itself constitute a 'nutritionally adequate diet'."

The directive to improve the variety and quantity of foods offered was the first provision of the Food and Agriculture Act, which includes the Food Stamp Act of 1977, implemented by FNS. In July 1978, the Department offered a substantially improved commodity package in which quantities of food were increased, variety was expanded, and nutrient values were increased.[19] The terms of this package offer were included in the preamble to the proposed Indian regulations and comments were invited on it.

While the proposed regulations did not address the contents or value of the package itself, the preamble to those regulation stated that, "the Department shall offer a variety and quantity of commodities for Indian households such that the commodity package represents an acceptable alternative to Food Stamp Program benefits."

Twenty-seven commenters responded by addressing issues related to the commodity package, including: Requests for greater varieties of foods, for greater quantities of food, for foods meeting the preferences of individual tribes, and for inclusion of additional food items. A number of commenters also called for a guarantee in the regulations of the amount of food to which each person would be entitled each month; and, beyond this basic entitlement, for a "tribal maximum" which would permit tribes to order up to a specified maximum quantity for each item the tribe desired in excess of a basic entitlement.

In partial response to comments calling for a regulatory guarantee of the minimum package households are entitled to receive, the Department has included language in the final regulations stating that the commodity package is intended to be an acceptable alternative to the Food Stamp Program benefits;[20] that the Department will offer a variety of foods from each of the four food groups; and that, to the extent practicable, foods offered will respond to households' preferences as determined by State agencies.

The Department is sympathetic to comments calling for a more specific guarantee of an entitlement and has given serious consideration to ways in which such an entitlement might be expressed. Several measures of the "value" of the package are possible: The number of pounds of food in each food group, the number of cans or packages of each food item offered, total nutrients offered and cost.

However, the Department has concluded that a guarantee expressed in such literal measures would be impracticable and inappropriate for the following reasons. First, the Department intends that the package offer be responsive to household preferences. These preferences now vary from tribe to tribe and, if more tribes enter the program, may vary yet more. They may also vary through time. In order to tailor the package as closely as practicable to individual tribal preferences, the Department needs the flexibility to modify its offer accordingly. This flexibility would be constrained if modifications could only be made within regulatory requirements for fixed numbers of pounds of food, numbers of cans or packages, nutrient values or costs. Alternatively, to the degree that modifications would change these measures, new regulations would have to be published for every such modification. Such an administrative burden could become a discouragement to the very flexibility that commenters call for.

Additionally, even if the current package offer were never modified, the Department cannot guarantee its delivery, due to factors beyond its control. Expressed most literally, the Department's package offer is an offer to attempt to buy and deliver specific foods. The Department's ability to buy and deliver these foods depends upon the market availability of any given item, whether State agencies have placed orders for a given item in a quantity sufficient to warrant purchase and distribution, interest on the part of the trade in bidding at a reasonable cost and in accordance with the Department's specifications for procurement, and the bidders' ability to deliver, which in turn depends upon the availability of transportation facilities and upon weather conditions.

The Department does provide substitutions for every item ordered by State agencies which cannot be delivered. However, standard

[19] The Community Nutrition Institute stated that, "the commodity package offered for Indians contains some notable improvements over the former USDA offer."

[20] In the floor debates on the food stamp bill reported out of the conference committee, Representative Richmond noted: The conference [committee] opted for an upgraded food package, but did not specify the nature of the foods. However, since Indian households have a choice between . . . programs, we expect that the Secretary would endeavor to make the benefits to Indian households fairly comparable regardless of which program they elect to use, in order to allow a real choice. *Cong. Rec.* H-9543, September 16, 1977.

commercial container and package sizes for substitute items may differ regarding the items they replace, and the Department therefore cannot guarantee that substitute items will represent the same weight or number of containers or packages per person as those they replace. Nor will nutrient values of substitute items necessarily be identical to those of the items they replace.

Similarly, the cost of the package offer will vary according to market conditions and the need for substitutions.

For these same reasons, and for budgetary reasons as well, the Department has not adopted comments calling for a regulatory entitlement to "tribal maximums" that would permit tribes to order quantities in excess of a specified minimum. However, the Department believes that the intent of this recommendation—that tribal preferences for certain foods be satisfied—can be met in large part by offering greater variety from which foods can be selected and through provision for substitution of certain items for other items.

Accordingly, the Department plants to modify its next package offer, to be made in June 1979 for delivery starting in October 1979, to offer greater variety within the Meat, Bread-Cereal, Vegetable-Fruit, and Milk food groups; and to permit substitutions on a pound-for-pound basis within the Bread-Cereal group. Thus, for example, where rice is preferred to flour, greater quantities of rice and correspondingly lesser quantities of flour may be ordered. (As with the current package, substitution of evaporated milk for dry milk will be permitted.)

To provide yet more flexibility, the Department will consider, on a case by case basis, requests from State agencies for other substitutions. A consideration in approving such substitutions will be their logistical feasibility and impact on the cost of the package.

It must be noted that the extent to which State agencies will be able to provide increased variety to households will depend upon storage and distribution capabilities at the State and local levels. Where all varieties desired cannot be distributed within a given month, variety may be cycled in over a period of months. At a minimum, the Department's future package offers will afford households greater variety from which to select those foods which *can* be stored and distributed within the constraints of State and local capabilities.

Additionally, the Department cautions that it can only make purchases for items ordered by State agencies in quantities sufficient to warrant purchase and distribution. Thus, if sufficient orders are not received for a given item, substitutions will be arranged.

Several commenters called for an increase in the nutrient values of the package. In fact, nutrient values were significantly increased in the July 1978 package offer. Nutrient values are expressed in terms of recommended *daily* dietary allowances (RDA's). However, the package offer is expressed in terms of *monthly* quantities of food. To estimate the nutrient values of the package, it must be assumed that foods are consumed in equal portions over a 30-day period. While this is clearly an artificial assumption, it is the only practical method currently available to the Department for estimating the nutrient values of the package. By this measure, a representative selection of foods offered should provide the equivalent of, or in excess of, the average RDA's for food energy, protein, calcium, iron, vitamin A, ascorbic acid, thiamine and riboflavin. Obviously, the precise nutrient values received by a given household will depend upon the selection made from the variety offered. As noted by several commenters, nutrition education can play an important role in ensuring that households obtain maximum nutrient values from the package offer.

The effectiveness of the commodity package in providing Indian households "an opportunity to obtain a more nutritious diet" depends upon the extent to which nutritious foods offered suit household preferences and will therefore be consumed. The final regulations retain the requirement that State agencies determine household preferences in preparing their orders.

In addition, the Department invites State agencies to provide advice concerning household preferences for quantities in excess of those offered for specific foods and of preferences for foods not offered, so that the Department can determine the feasibility of adjusting quantities, adding new food items and increasing variety in future packages.

In making each determination, the Department will have to consider those factors that operate to constrain the features of the package. These include, as discussed above, market availability, the likelihood of orders in sufficient quantity to warrant purchase and distribution, and interest on the part of bidders. Additionally, the Department must consider the quantities and varieties of other foods desired; nutritional values of those foods singly and in combination, and preferences for convenient package sizes and materials; and the effect of all these factors on cost.

With respect to these factors, it must be remembered that the package is not intended in itself to constitute a nutritionally adequate diet and that the Department has a fixed budget for its food purchases. The Department, therefore, must be a "good shopper" for households within the constraints of that budget. Thus, while the Department could satisfy demands for a change in any one aspect of the package—quantity, variety and nutrients, or package sizes—it cannot satisfy all demands and still remain within its budget.

For example, per-pound costs generally increase as container sizes decrease. The Department has responded to requests for smaller container sizes by reducing the size of the non-fat dry milk carton and the process cheese package. It will also reduce the package size for oats and is exploring the possibility of reducing the container size for peanut butter. (Note a reduction in container size does not mean a reduction in quantity per person.) However, the Department has declined to reduce the size of the canned fruit from the standard 29-ounce can to the next smallest commercially available size—16 ounces. The increase in per-pound cost for the smaller can, coupled with the additional ounces that would have to be provided if quantity were not to be reduced (two 16-ounce cans, or 32 ounces, would be provided instead of one 29-ounce can) would result in an estimated $320,000 a year in additional expenditure of funds that would otherwise be available for the purchase of food itself.

Likewise, the Department could increase the total number of pounds of food offered by decreasing the quantities of more expensive items and increasing the quantities of less expensive items. For example, 10 pounds of cornmeal could be provided for the same price as 1 pound of canned poultry. Or, the Department could honor preferences for an item that costs $1.00 per pound, but at the expense of offering twice as much of another preferred item that costs 50 cents per pound. Similarly, the amount of protein offered could be increased by increasing the quantities of such items as meat and meat alternates, but at the expense of other items that contribute other needed nutrients and variety. In short, trade-offs such as these must be weighed in considering any modifications to the package offer.

Comments calling for modifications in the current package were extremely

useful to the Department in its planning for the future package offers. Future preference determinations by State agencies should provide a systematic method for ensuring that the Department continues to receive the information it needs to offer those foods, in those quantities and container sizes, most desired by households.

Another issue addressed by a number of commenters was package labeling. Commenters asked, variously, for use of graphics nutrition information, information about contents, information on usage and storage, information for persons on special diets and information in native languages.

Given the variety of tribal languages, the Department believes it would be impractical to provide labels for each item in each language, if indeed bidders could be found to do so. However, it agrees that greater use of graphics could help make labeling information clearer and it has redesigned the labels for egg mix and dry milk to include more graphics and has developed a new graphic label for masa flour. All commodities do bear ingredient labeling. As appropriate, all labels indicate the food group to which a food belongs and do provide information on storage, and recipes or serving suggestions. Percentage and nutritional labeling are used where applicable. The Department believes that information for persons with special diets may be better provided through nutrition education. However, with respect to this and all other comments on labeling, the Department is re-evaluating labels in conjunction with its development of nutrition education materials appropriate for use by Indian households—a project that is now underway.

A number of commenters also asked for reductions in container and package sizes, citing household storage problems. As discussed above, the Department has reduced the size of dry milk and process cheese packages and it is reducing the size of the container for oats. It is also exploring the possibility of reducing the size of the container for peanut butter. All food items are ordered in standard retail consumer sizes. While the Department has chosen not to reduce other container sizes at this time, for the reason of cost given above, it will examine possible changes in packaging materials and container sizes in conjunction with future recommendations from the State agencies to determine whether additional modifications should be made.

Numerous commenters called for the inclusion of fresh and frozen foods. While the Department fully agrees that such foods would add variety and appeal to the package, it cannot for logistical reasons offer them now. With respect to fresh foods, the USDA, State and local distribution systems cannot accommodate the very rapid inventory turnover required for handling perishables. While frozen foods do not need as rapid an inventory turnover, they do require freezer capacity at every level of the distribution system—in warehouses and households' homes, as well as in trucks and rail cars. Because of the possibility of spoilage and consequent waste and the danger of food poisoning if adequate refrigeration is not available at every level the Department must have sound assurances of such necessary freezer capacity before it can offer frozen foods. It does not at this time have such assurances. In fact, several commenters stated that many Indians do not have access to refrigeration. When the Department is assured that this capacity exists to the extent necessary to make distributions, it will give consideration to requests for frozen foods.

Therefore, in the table of contents, Subchapter C is retitled, Part 281 is retitled and a new Part 283 is added; Sections 271.2 and 272.1 are amended; and new Parts 281 and 283 are added to read as follows:

1. In the table of contents, Subchapter C and Part 281 are retitled and a new Part 283 is added to read as follows:

SUBCHAPTER C—FOOD STAMP AND FOOD DISTRIBUTION PROGRAM

* * * * *

PART 281—ADMINISTRATION OF THE FOOD STAMP PROGRAM ON INDIAN RESERVATIONS

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PART 283—ADMINISTRATION OF THE FOOD DISTRIBUTION PROGRAM TO HOUSEHOLDS ON INDIAN RESERVATIONS

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PART 271—GENERAL INFORMATION AND DEFINITIONS

2. Section 271.2 is amended to include the following definitions and reads as follows:

§ 271.2 Definitions.

* * * * *

"Exercises governmental jurisdiction" means the active exercise of the legislative, executive or judicial powers of government by an Indian tribal organization.

* * * * *

"Indian tribe" means (1) any Indian tribe, Band, Nation, or other organized Indian group on a reservation, for example, a Rancheria, Pueblo or Colony, and including any Alaska Native Village or regional or village corporation (established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688)), that is on a reservation and is recognized as eligible for Federal programs and services provided to Indians because of their status as Indians; or (2) any Indian tribe or Band on a reservation holding a treaty with a State government.

"Indian tribal organization (ITO)" means (1) The recognized governing body of any Indian tribe on a reservation; or (2) the tribally recognized intertribal organization which the recognized governing bodies of two or more Indian tribes on a reservation authorizes to operate the Food Stamp Program or a Food Distribution Program on their behalf.

* * * * *

"Reservation" means the geographically defined area or areas over which an ITO exercises governmental jurisdiction so long as such area or areas are legally recognized by the Federal or a State government as being set aside for the use of Indians.

* * * * *

"State" means any one of the fifty States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands of the United States, and the reservation of an Indian tribe whose ITO meets the requirements of the Food Stamp Act of 1977 for participation as a State agency.

"State agency" means (1) The agency of State government, including the local offices thereof, which is responsible for the administration of the federally aided public assistance programs within the State, and in those States where such assistance programs are operated on a decentralized basis, it includes the counterpart local agencies which administer such assistance programs for the State agency, and (2) the Indian tribal organization of any Indian tribe determined by the Department to be capable of effectively administering a Food Stamp Program or a Food Distribution Program in accordance with provisions of the Food Stamp Act of 1977.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

3. Section 272.1(c) is amended and a new subparagraph (3) is added to 272.1(g). The revised paragraph and new subparagraph read as follows:

§ 272.1 General terms and conditions.

* * * * *

(c) *Disclosure.* (1) Use or disclosure of information obtained from food stamp applicant households, exclusively for the Food Stamp Program, shall be restricted to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, or the Food Distribution Programs as defined in Part 283 of this Subchapter, or with other Federal or federally aided, means-tested assistance programs such as Title IV–A (AFDC), XIX (Medicaid), or XVI (SSI), or with general assistance programs that are subject to the joint processing requirements specified in § 273.2(j)(2).

(2) If there is a written request by a responsible member of the household, its currently authorized representative, or a person acting on its behalf to review material and information contained in its casefile, the material and information contained in the casefile shall be made available for inspection during normal business hours. However, the State agency may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

* * * * *

(g) *Implementation.* * * *

* * * * *

(3) Amendment 141. State agencies shall begin planning for and conducting ongoing consultations with the Indian tribal organizations of the reservations within their jurisdiction as soon as possible after the effective date of this amendment. Portions of the State Plan of Operation to be submitted for fiscal year 1980 shall be subject to ITO comment as required by § 281.2(a). The funding authority in § 281.9 shall apply to budgets beginning with the fourth quarter of fiscal year 1979.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

4. The new part 281 reads as follows:

PART 281—ADMINISTRATION OF THE FOOD STAMP PROGRAM ON INDIAN RESERVATIONS

Sec.

281.1 General purpose and scope.
281.2 Administration.
281.3 Determination of failure.
281.4 Determining Indian tribal organization capability.
281.5 Responsibilities of an Indian tribal organization designated as State agency.
281.6 Liabilities and sanctions
281.7 Indian tribal organization failure.
281.8 Transfer of program administration.
281.9 Funding.
281.10 Appeals.

Authority: 91 Stat. 958 (7 U.S.C. 2011–2027).

§ 281.1 General purpose and scope.

These regulations govern the operation of the Food Stamp Program on Indian reservations either separately or concurrently with the Food distribution program. In order to assure that the Food Stamp Program is responsive to the needs of Indians on reservations, State agencies are required to consult with Indian tribal organizations about the implementation and operation of the Food Stamp Program on reservations. Also, under certain specified conditions Indian tribal organizations on reservations can administer the Food Stamp Program. The Act authorizes the Secretary to pay such amounts for administrative costs as are determined to be necessary for the effective operation of the Food Stamp Program on Indian reservations.

The operation of the Food stamp Program on Indian reservations is governed by all of the terms and conditions set forth in the Food Stamp Act of 1977 as amended and the regulations of this Chapter.

Additionally, under no circumstances shall any household participate simultaneously in the Food Stamp Program and the Food Distribution Program. Policy governing this prohibition is found in Section 283.7(e).

§ 281.2 Administration.

(a) *Qualification.* (1) The appropriate ITO of an established Indian reservation will qualify for participation under the provisions of this Part, when that ITO files an application which demonstrates the status of an area as an established reservation, unless FNS determines that such area(s) does not qualify as a reservation, as that term is defined in these regulations. For purposes of this Part, established reservation means the geographically defined area(s) currently recognized and established by Federal or State treaty or by Federal statute whereby such geographically defined area(s) is set aside for the use of Indians. Where such established areas exist, the appropriate ITO is presumed to exercise governmental jurisdiction, unless otherwise determined by FNS:

(2) The appropriate ITO for other areas, in order to qualify as reservations for the provisions of this Part, must show to FNS:

(i) That the ITO exercises governmental jurisdiction over a geographic area(s) which enjoys legal recognition from the Federal or a State government and is set aside for the use of Indians.

(ii) A clear and precise description of the boundaries of such geographic area(s).

(3) Otherwise qualified areas for which the responsible ITO has requested operation of the Food Distribution Program alone in accordance with § 283.4, rather than concurrent operation with the Food Stamp Program, shall be exempt from the requirements of this Part, and shall not be considered food stamp areas for any other purposes of this subchapter. Indian tribal households (households in which at least one adult member is recognized by the appropriate ITO as a tribal member) resident in these areas shall be ineligible for food stamp benefits. However, non-Indian tribal households resident in these areas may apply and be certified for food stamps at the State agency's certification office which would otherwise service the area. Otherwise qualified areas for which the responsible ITO has requested operation of the food distribution Program concurrently with the Food Stamp Program or areas within the reservation where FNS has determined that concurrent operation is necessary in accordance with § 283.3(b)(2) shall be subject to all requirements of this Part and subchapter.

(b) *State plan.* In addition to the public comment requirements in § 272.2, the State agency shall submit for comment its outreach plans, service plans, and all other portions of the State plan that directly pertains to the operation of the Program for residents on the reservation to the responsible ITO for reservations that qualify under (a) of this subsection. The ITO shall have 30 days to provide comments in writing to the State agency. The State agency shall, if appropriate and to the extent practicable, incorporate into its plans any suggestions made by the ITO. Additionally, the State agency shall administer the Food Stamp Program in a manner that is responsive to the needs of the Indians on the reservation, as determined by ongoing consultation with the ITO and by other means, regarding such areas of program operation as project area designation, operating procedures, locations and hours of certification and issuance,

staffing and corrective action plans. The State agency shall maintain records of consultations on State plans and ongoing consultations held with ITO's for review by FNS. FNS shall study these records as part of reviews in accord with § 281.3 and Management Evaluation Reviews of the State agency.

(c) *Project area designation.* (1) An Indian reservation shall be designated as a separate project area or areas for the purpose of improving the accessibility of program services to Indians on the reservation unless:

(i) The State agency demonstrates to FNS that the size or population of the reservation does not warrant such designation;

(ii) The State agency demonstrates to FNS that the tribe can be adequately served by the existing or a planned project area because of the location of certification and issuance offices;

(iii) The State agency demonstrates to FNS that such designation would reduce the availability of certification and issuance offices; or

(iv) The State agency otherwise demonstrates to FNS that such designation would impair its Statewide administration of the Program.

(2) In the case where the Indian reservation boundaries cross State lines, the ITO and the appropriate State agencies may jointly request FNS approval that a single State agency administer the Food Stamp Program on all or part of the Indian reservation. A single agency of the State government would have to administer the Program under the same terms and conditions applied to all other political subdivisions within its jurisdiction. An ITO designated as a State agency pursuant to § 281.4(d) would have to administer the Program under the same terms and conditions on all areas of the reservation.

(d) *Contracts with an Indian tribal organization.* The State agency may contract program functions to an ITO. These functions include, but are not limited to, outreach, preparation of bilingual materials an issuance. The state agency may also use the ITO in prescreening, translations, interpretive services and other noncertification functions. The State agency shall not contract responsibility for certification activities such as interviews or eligibility determinations. In all cases, the State agency shall retain full responsibility for program administration.

§ 281.3 Determination of failure.

(a) *Request for determination of State government agency failure.* FNS shall examine State agency adminstration of the Food Stamp Program on all or part of a reservation when requested by the ITO, the State agency or at FNS' discretion. When FNS determines that a deficiency in a State agency operation of the Food Stamp Program on all or part of an Indian reservation may be serious enough to warrant a review, FNS shall advise the State agency and the ITO in writing of the alleged deficiencies and of its plans to conduct the review and document deficiencies, if any are found. Subsequent to October 1, 1979 FNS shall complete these reviews within 90 days from receipt of an ITO's or State agency's request except under unusual circumstances such as the receipt of a large number of simultaneous requests.

(b) *Review.*—(1) *Content of the review for State agency performance.* The review shall be designed to determine whether or not the State agency is properly administering the Food Stamp Program on a specific reservation. When an agency of State government is administering the Program on a reservation, FNS shall as a part of the review consult with the ITO about the operation of the Program on the reservation. The review should, depending on the nature of the complaint, include but not be limited to, an analysis of some of all of the following data:

(i) The records of State agency consultation with the ITO required under § 281.2(a);

(ii) The estimated percentage of all eligible Indians on the reservation who are participating the Program;

(iii) The nature and extent of violations, if any, of the 30 day and other processing standards for Indians;

(iv) The percentage of errors made in determining eligibility and/or the amount of benefits overissued or underissued;

(v) Compliance with standards for location and hours of certification and issuance offices as required in § 272.5;

(vi) Compliance with bilingual requirements of this regulation, where appropriate;

(vii) Compliance with nondiscrimination requirements of this regulation;

(viii) Compliance with other significant program requirements;

(ix) Comparison with services provided in all other areas of the State; and

(x) Any other relevant information that becomes available during the course of reviews including information received through contacts with the Indian tribe.

(2) *Finding of no or of minor deficiencies.* If after the review FNS determines either that deficiencies do not exist or that only minor deficiencies exist, FNS shall issue a report documenting its findings to both the State agency and the ITO and shall work closely with the State agency to achieve corrective action.

(c) *Formal warning.* After the review is completed, if FNS determines that major deficiencies exist, a formal warning shall be issued to the State, with a copy to the ITO. At a minimum, such warning shall indicate the State agency deficiencies and shall detail the basis upon which deficiencies were determined. The State shall have 30 days to respond with evidence that it is in compliance or to submit a corrective action proposal under Part 276. If satisfactory compliance is achieved by the State agency on deficiencies cited in a formal warning, FNS shall notify the State, with a copy to the ITO, that the warning for those deficiences is satisfied.

(d) *Determination of failure and sanctions.* If at any time after the formal warning period, or during or after the corrective action period, FNS determines that major deficiencies still exist which the State agency has not satisfactorily addressed or is not satisfactorily addressing, FNS shall determine State failure and may impose appropriate Federal sanctions on the State agency as specified in Part 276.

(e) *ITO operations.* If FNS has determined State failure and FNS has also determined that the ITO is capable of administering a Food Stamp Program in accordance with the terms and requirements for participating State agencies as established in the Act and regulations, then the ITO shall assume adminstration of the Food Stamp Program on the reservation. The State agency shall continue to administer the Food Stamp Program on the reservation until an effective termination and transition arrangement has been completed in accordance with § 281.6.

§ 281.4 Determining Indian tribal organization capability.

(a) *Determining capability of ITO.* If the ITO wishes to administer its own Food Stamp Program on the reservation FNS shall determine the ITO's potential capability for administering the Food Stamp Program in accordance with the criteria listed in § 281.4(b). FNS shall begin to evaluate the ITO's capability for all aspects of Food Stamp Program administration, allowing for fulfillment of that potential through necessary training and technical assistance, not

later than the date of the issuance of the formal warning to the State agency.

(b) *ITO responsibility.* (1) The ITO must satisfy FNS that it is capable (if provided with any needed training and technical assistance) of administering the Food Stamp Program effectively and efficiently, and of complying with all provisions of the Food Stamp Act of 1977, as amended, and the regulations of this Chapter, including provisions governing quality control procedures, fruad determinations, and establishment and collection of claims for both Indian and any non-Indian participants. The ITO shall provide FNS with the following information:

(i) *Operation of government programs.* The ITO shall provide FNS a list of all government programs that the ITO administers and has recently administered. FNS may ask the ITO to provide the names of appropriate officials of the government organizations having jurisdiction over these programs so FNS can obtain all relevant audits, GAO reports, program evaluations and any other documents pertaining to the effectiveness and efficiency of tribal administration of these programs. The ITO shall also provide FNS a list of its recent contractual responsibilities, if any, for the Food Stamp Program under § 281.2(b).

(ii) *Fiscal capabilities.* The ITO shall provide FNS documentation of its bookeeping and accounting procedures, including procedures in use for fiscal accountability under Part 277 and for other government programs that the ITO administers.

(iii) *Projected certification and issuance facilities.* The ITO shall provide FNS with a description of the location of projected certification and issuance facilities.

(iv) *Fraud hearings and claims.* The ITO shall provide FNS with a description of how it will pursue fraud hearings and claims against Indian and non-Indian participants.

(v) *Staffing.* The ITO shall provide FNS with sufficient information to determine that personnel who will be used in the certification process will be employed under standards equivalent to current standards for a Merit System of Personnel Administration or any standards later prescribed by the Office of Personnel Management under Section 208 of the Intergovernmental Personnel Act of 1970.

(vi) *Civil rights assurance.* The ITO shall provide FNS an assurance that the ITO shall comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), the Age Discrimination Act of 1975 (Pub. L. 94-135), the Rehabilitation Act of 1973 (Pub. L. 99-112), Section 504), and Section 11(c) of the Food Stamp Act of 1977 and all pertinent regulations or directives to the effect that no person in the United States shall, on the grounds of sex, race, color, age, political belief, religion, handicap, or national origin, be denied benefits or otherwise be subject to discrimination under the Food Stamp Program. Where appropriate, FNS shall consider the adequacy of measures taken by the ITO to ensure that there shall be no discrimination.

(2) Prior to the determination of ITO capability, FNS shall consult with other sources such as the Bureau of Indian Affairs (BIA), to obtain any information relevant to the capability determination.

(3) If it is determined by FNS, after consultation with other sources such as the BIA, that the ITO is not capable of operating an efficient and effective Food Stamp Program, the agency of the State government shall continue to operate the Program on the reservation in accordance with § 281.3.

(c) *Training and technical assistance.* Upon determining that the State agency has failed to properly administer the Food Stamp Program and that the ITO is potentially capable of operating an effective and efficient Food Stamp Program, FNS shall determine, based on information provided by the ITO and other sources such as BIA, the training and technical assistance which is necessary to assure efficient and effective program administration. FNS will assure that appropriate training and technical assistance is provided as expeditiously as possible prior to the ITO's assumption of the administration of the Food Stamp Program.

(d) *Assumption of duties.* When FNS is satisfied that the ITO has successfully completed (c) above, FNS shall designate the ITO as a State agency, contingent on the following:

(1) *State plans.* The ITO shall prepare and submit to FNS a Plan of Operation as provided in § 272.2. In completing the Plan of Operation the ITO shall affirm that it will comply with the Civil Rights assurances detailed in (b)(vi) above.

(2) *Proposed budget.* As part of the Plan of Operation, the ITO shall annually submit to FNS a proposed statement which shall provide a summary of program information and amounts budgeted to carry out the various program functions. This information shall be submitted to FNS for approval prior to the commitment of any Federal funds for administrative costs for that year. FNS shall provide the ITO any technical assistance which is necessary to prepare this information.

(3) *Termination and transition arrangement.* An effective termination and transition arrangement shall be established as required in § 281.8.

§ 281.5 Responsibilities of an Indian tribal organization designated as State agency.

An ITO administering the Food Stamp Program on a reservation shall adhere to the Food Stamp Act of 1977, all subsequent amendments, and all regulations issued pursuant to that law in the same manner as any other State agency. The ITO may contract certain administrative functions to private organizations as provided in Parts 274 and 277. The ITO may not, however, contract responsibility for certification activities such as interviews or eligibility determinations. The ITO shall retain full responsibility for program administration.

§ 281.6 Liabilities and sanctions.

An ITO administering the Food Stamp Program on a reservation is subject to the same liabilities and Federal sanctions as is any other State agency. FNS shall monitor administration of the Program and conduct reviews through the Performance Reporting System described in Part 275. When necessary, warning procedures and other Federal sanctions prescribed in Part 276 will be implemented.

§ 281.7 Indian tribal organization failure.

When Performance Reporting System reviews indicate that continuing deficiencies exist and corrective action proposals (including training and technical assistance to overcome these deficiencies), and/or appropriate sanctions have not, in the opinion of FNS, resulted in a sufficient degree of improvement, FNS will conduct a review to determine if the ITO has failed to properly administer the Food Stamp Program. FNS shall examine the relevant factors specified in § 281.3(b)(1) and shall follow the notification and determination procedures set forth in § 281.3 (c) and (d). If ITO failure is determined, FNS shall require the appropriate agency of the State government to resume administration of the Program on the reservation in accordance with an approved termination and transition arrangement.

§ 281.8 Transfer of program administration.

The transfer of program administration from an agency of the State government to an ITO pursuant to a determination of failure as provided for in § 281.3, or from an ITO to an agency of the State government pursuant to § 281.7, shall be contingent

on the establishment of an effective termination and transition arrangement and an approved Plan of Operation from the State agency assuming program administration. Grant closeout procedures shall be followed in accordance with Part 277. FNS shall approve the transition plan, monitor its implementation and resolve any issues which may arise during the transition and after the transfer of program administration.

§ 281.9 Funding.

(a) *Agency of State government.* From the funds available to carry out this provision beginning July 1, 1979, FNS may pay to each agency of State government administering a Food Stamp Program on a reservation, 75 percent of all approved administrative costs, such as: certification, issuance, outreach, fair hearings and quality control, incurred on the reservation for residents of the reservation and approved by FNS to meet standards set by the 1977 Food Stamp Act. FNS may pay each agency of State government administering a Food Stamp Program on a reservation 75 percent of all approved administrative costs incurred off the reservation for activities begun after the effective date of these regulations that are primarily directed at providing better services for Indians on the reservation, such as hiring an interpreter or an Indian outreach worker, or moving a certification or issuance center closer to a reservation. The provisions of Part 277 apply to any funds received under this section.

(b) *Indian tribal organization acting as State agency.* From the funds available to carry out the provisions of this part beginning October 1, 1979, FNS is authorized to pay to each ITO acting as a State agency and administering a Food Stamp Program on a reservation 75 percent of all administrative costs approved by FNS as needed for operation of a Food Stamp Program on a reservation. Any approval for payment of funds in excess of 75 percent must be based on compelling justification that such additional amounts are necessary for the effective operation of the Food Stamp Program on the reservation. The provisions of Part 277 apply to any funds received under this Section.

§ 281.10 Appeals.

(a) *Failure/Capability.* (1) Any State agency or ITO may appeal the determination made by FNS on:

(i) Whether or not the reservation definition is met;

(ii) The failure or absence of failure of an agency of State government to properly administer the Food Stamp Program;

(iii) The capability or incapability of an ITO to administer the Food Stamp Program;

(iv) The failure of an ITO to properly administer the Food Stamp Program;

(v) The Federal matching percentage level of administrative funding made available by FNS. To prevail the State agency must show a compelling justification that additional funding is needed for the effective administration of the Program on the reservation.

(2) At the time FNS advises the State agency or ITO of its determination, FNS shall also advise the State agency or ITO of its right to appeal and, except for appeals of funding determinations, shall advise the State agency or ITO of its right to request either a meeting to present its position in person or a review of the record. On appeals of funding determinations, FNS shall advise the State agency or ITO that it may indicate if it wishes a meeting, however, FNS need schedule a meeting only if FNS determines a meeting is warranted to reach a proper adjudication of the matter. Otherwise, FNS shall review supportive information submitted by the State agency or ITO in paragraph (b)(2) of this section.

(b) *Procedures.* (1) *Time Limit.* Any State agency or ITO which wants to appeal an initial FNS determination under paragraph (a) of this section must notify the Administrator of FNS, in writing within 15 days from the date of the determination and must advise FNS if it wishes a meeting or a review of the record.

(2) *Acknowledgement.* Within five days of receipt by the Administrator of FNS of a request for review, FNS shall provide the State agency or ITO by certified mail, return receipt requested, with a written acknowledgement of the request. The acknowledgment shall include the name and address of the official designated by the Administrator to review the appeal. The acknowledgment shall also notify the State agency or ITO that within ten day of receipt of the acknowledgment, the State agency or ITO shall submit written information in support of its position.

(3) *Scheduling a meeting.* If the Administrator, FNS, grants a meeting FNS shall advise the State agency or ITO by certified mail, return receipt requested, of the time, date and location of the meeting at least ten days in advance of the meeting. FNS shall schedule and conduct the meeting and make a decision within 60 days of the receipt of the information submitted in response to paragraph (b)(2) of this section.

(4) *Review.* If no meeting is conducted, the official designated by the Administrator, FNS, shall review information presented by a State agency or ITO which requests a review, and shall make a final determination in writing within 45 days of the receipt of the State agency's or ITO's information submitted in response to paragraph (b)(2) of this section setting forth in full the reasons for the determination.

(5) *Final decision.* The official's decision after a meeting or a review shall be final.

(c) *Funding and other sanctions.* Any State agency or ITO that wishes to appeal a funding determination made by FNS other than under (a)(5) above, or the application of a Federal sanction, shall follow the Administrative Review Procedures set forth in Part 276.

PART 283—ADMINISTRATION OF THE FOOD DISTRIBUTION PROGRAM TO HOUSEHOLDS ON INDIAN RESERVATIONS

Sec.

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Authority: 91 Stat. 958 (7 U.S.C. 2011-2027).

§ 283.1 General purpose and scope.

This part describes the terms and conditions under which: commodities (available under Part 250 of this chapter) may be distributed to households on or near all or any part of any Indian reservation, the program may be administered by capable Indian tribal organizations, and funds may be obtained from the Department for the costs incurred in administering the program. This part also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an ITO.

§ 283.2 Definitions.

(a) "Exercises governmental jurisdiction" means the active exercise of the legislative, executive or judicial powers of government by an Indian tribal organization.

(b) "Food Distribution Program" means a food distribution program for households on Indian reservations

operated pursuant to Sections 4(b) and 1304(a) of P.L. 95–113.

(c) "Indian tribal household" means any household in which at least one adult member is recognized by the appropriate ITO as a tribal member.

(d) "Indian tribe" means (1) any Indian tribe, Band, or other organized Indian group, for example, a Rancheria, Pueblo, or colony, and including any Alaska Native village or regional or village corporation (established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688)), and that is on a reservation and recognized as eligible for Federal programs and services provided to Indians because of their status as Indians; or (2) any Indian tribe or Band on a reservation holding a treaty with a State government.

(e) "Indian tribal organization (ITO)" means (1) the recognized governing body of any Indian tribe on a reservation; or (2) the tribally recognized intertribal organization which the recognized governing bodies of two or more Indian tribes on a reservation authorize to operate the Food Stamp Program or a Food Distribution Program on their behalf.

(f) "Reservation" means the geographically defined area or areas over which an ITO exercises governmental jurisdiction so long as such area or areas are legally recognized by the Federal or a State government as being set aside for the use of Indians.

(g) "State" means any one of the fifty States, the District of Columbia, and the reservation of an Indian tribe whose ITO meets the requirements of the Food Stamp Act of 1977 for participation as a State agency.

(h) "State agency" means (1) the agency of State government, including the local offices thereof, which enters into an agreement with FNS for the distribution of commodities on all or part of an Indian reservation, and

(2) the ITO of any Indian tribe, determined by the Department to be capable of effectively administering a Food Distribution Program, which enters into an agreement with FNS for the distribution of commodities on all or part of an Indian reservation.

§ 283.3 Availability of commodities.

(a) *Conditions for distribution.* In jurisdictions where the Food Stamp Program is in operation, there shall be no distribution of commodities to households under the authority of any law, except that distribution may be made (1) on a temporary basis under programs authorized by law to meet disaster relief needs, (2) for the purpose of the Commodity Supplemental Food Program, and (3) whenever a request for concurrent or separate Food Distribution Program on a reservation is made by an ITO.

(b) *Concurrent or separate food program operation.* Distribution of commodities, with or without the Food Stamp Program, shall be made whenever an ITO submits to FNS a completed application for the Food Distribution Program on all or part of a reservation and the application is approved by FNS.

(1) Except as provided in paragraph (2) of this section, when the Food Distribution Program is operating on all or part of a reservation, all eligible households within those boundaries may participate in the Food Distribution Program, or, if the ITO has elected concurrent operation of the Food Stamp Program, may elect to participate in either program, without regard to whether the household is an Indian tribal household.

(2) FNS may determine, based on the number of non-Indian tribal households located on all or part of a reservation, that concurrent operation is necessary. When such a determination has been made all households residing in such areas may apply to participate in either the Food Stamp or the Food Distribution Program.

(c) *Household distribution.* Commodities acquired under section 416 of the Agricultural Act of 1949, as amended; section 32 of Pub. L. 320, 74th Congress, as amended; section 709 of the Food and Agricultural Act of 1963, as amended; and section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended, by Section 1304 of the Food and Agriculture Act of 1977, may be made available under Part 250 of this chapter for distribution to households in accordance with the provisions of that part and the additional provisions and requirements of this part.

(d) *Food Distribution Program benefits.* Households eligible under this part shall receive a monthly food package based on the number of household members. The food package offered to each household shall consist of a quantity and variety of commodities made available by the Department to provide eligible households with an opportunity to obtain a more nutritious diet and shall represent an acceptable nutritional alternative to Food Stamp Program benefits. The food package offered to each household by the State agency shall contain a variety of foods from each of the four food groups: Meat, Vegetable-Fruit, Milk, and Bread-Cereal. FNS shall periodically notify State agencies of the kinds of commodities it proposes to make available based, insofar as practicable, on the preferences of eligible households as determined by the State agency. In the event one or more of the proposed commodities cannot be delivered, the Department shall arrange for delivery of a similar commodity within the same food group.

§ 283.4 Administration.

(a) *Federal administration.* Within the Department of Agriculture, the Food and Nutrition Service (FNS) shall be responsible for the Food Distribution Program. FNS shall have the power to determine the amount of any claim and to settle and adjust any claim.

(b) *State agency administration.* (1) If FNS determines that the ITO is capable of effective and efficient administration, the ITO shall administer the Food Distribution Program on all or part of the reservation. If FNS determines that the ITO is not capable of effective and efficient administration of the Food Distribution Program, the appropriate agency of the State government shall be responsible for the Food Distribution Program on all or part of the Indian reservation. In addition, the appropriate agency of the State government may administer the Program on behalf of an otherwise capable tribe if agreed to in writing by both parties.

(2) In the case where the Indian reservation boundaries cross State lines, the ITO and appropriate State agencies may jointly request FNS approval that a single State agency administer the Food Distribution Program on all or part of the Indian reservation.

(3) An agency of State government responsible for administering the Food Distribution Program may contract Program functions to an ITO. These functions include, but are not limited to, outreach, preparation of bilingual materials, commodity issuance, determination of food preferences of households, publicizing uses of commodities, and transportation and on-site delivery services. The State agency may also use the ITO in prescreening translations, interpretive services and other noncertification functions. The State agency shall not contract responsibility for certification activities such as interviews or eligibility determinations with an ITO that has been determined incapable of administering the Food Distribution Program. In all cases the State agency shall retain full responsibility for program administration.

(c) *Qualification as a reservation.* (1) The appropriate ITO of an established

Indian reservation will qualify for participation under the provisions of this Part, when that ITO files an application which demonstrates the status of an area as an established reservation, unless FNS determines that such area(s) does not qualify as a reservation as that term is defined in these regulations. For purposes of this Part, established reservation means the geographically defined area(s) currently recognized and established by Federal or State treaty or by Federal statute whereby such geographically defined area(s) is set aside for the use of Indians. Where such established areas exist, the appropriate ITO is presumed to exercise governmental jurisdiction, unless otherwise determined by FNS.

(2) The appropriate ITO for other areas, in order to qualify as reservations for the provisions of this Part, must show to FNS:

(i) That the ITO exercises governmental jurisdiction over a geographic area(s) which enjoys legal recognition from the Federal or a State government and is set aside for the use of Indians;

(ii) A clear and precise description of the boundaries of such geographic area(s).

(d) *Application by an ITO.* An ITO which desires to participate in the Food Distribution Program shall file an application with the FNS Regional Office serving the State or States in which the reservation is located. In the application, the ITO shall specify if it is requesting the Food Distribution Program alone or concurrently with the Food Stamp Program. The ITO shall also specify whether it wants either or both programs on all or part of the reservation, and if on part, shall describe the geographic boundaries of the relevant part(s). The application shall also provide other information requested by FNS, including, but not limited to, that the ITO serves an established reservation or a reservation otherwise qualified as described in paragraph (c). Properly addressed applications shall be acknowledged by the FNS Regional Office in writing within five working days of receipt.

(e) *Tribal capability.* (1) In determining whether the ITO on a given reservation is potentially capable of effectively and efficiently administering a Food Distribution Program, allowing for fulfillment of that potential through training and technical assistance, FNS shall consult with other sources, such as the BIA, and shall consider the ITO's experience, if any, in operating other government programs and its management and fiscal capabilities. Other factors for evaluation include, but are not limited to, the ITO's ability to:

(i) Order and properly store commodities,

(ii) Certify eligible households,

(iii) Arrange for physical issuance of commodities,

(iv) Keep appropriate records and submit required reports,

(v) Budget and account for administrative funds,

(vi) Determine the food preferences of households, and

(vii) Conduct on-site reviews of certification and distribution procedures and practices.

(2) FNS shall make a determination of potential ITO capability within 60 days of receipt of a completed application for the Food Distribution Program. FNS shall promptly advise ITO's of the need for additional information if an incomplete application is received.

(3) FNS shall, if requested by an ITO which has been determined by FNS to be potentially capable of administering a Food Distribution Program, provide the ITO's designees with appropriate training and technical assistance to prepare the ITO to take over program administration. In determining what training and technical assistance are necessary, FNS shall consult with the ITO and other sources, such as the BIA.

§ 283.5 State agency requirements.

(a) *Plan of operation.* (1) The State agency which assumes responsibility for the Food Distribution Program shall submit a plan of operation for approval by FNS. Approval of the plan by FNS shall be a prerequisite to the donation of commodities available for use by households under Part 250 of this chapter and to the payment of administrative funds under § 283.9, of this part. No amendment to the plan of operation of any State agency shall be effective without prior approval of FNS, and FNS may require amendment of any plan as a condition of continuing approval. If the State agency is not an ITO, the appropriate agency of the State government shall also:

(i) Consult in good faith with the ITO on the reservation where the appropriate agency of the State government is responsible for administering the Food Distribution Program.

(ii) Submit its plan of operation and any subsequent amendments to both the ITO and the State Governor, or the Governor's delegated authority, for comment at least 45 days prior to submission of the plan or amendment to FNS. Comments by the Governor, or the Governor's delegated authority, and the ITO shall be attached to the plan or amendment which is submitted to FNS. This paragraph does not apply to amendments required by FNS under § 283.5(a)(1).

(iii) Periodically consult with the ITO regarding the current status and applicability of provisions in the plan of operation and the possible need to submit amendments to FNS for approval. Such consultations shall be documented for review by FNS.

(2) The plan of operation shall describe the manner in which commodities will be distributed, including, but not limited to, the storage and distribution facilities to be used, the procedures to assure ongoing consultation with the ITO where the appropriate agency of the State government administers the Program, the method by which the food preferences of households shall be determined, the manner in which the State agency plans to supervise the Food Distribution Program, and plans by which the State agency will control dual participation. The plan shall also include by reference or otherwise the following assurances:

(i) No household on any Indian reservation shall be permitted to participate simultaneously in the Food Stamp Program and the Food Distribution Program.

(ii) The value of the commodities provided to any eligible household shall not be considered income or resources for any purposes under any Federal, State, or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs; and no State agency shall decrease any assistance otherwise provided to a household because of the receipt of commodities.

(iii) The distribution of commodities shall not be used as a means for furthering the political interest of any individual or party.

(iv) There shall be no discrimination in the certification of applicant households or in the distribution of commodities because of sex, race, color, age, political beliefs, religion, handicap or national origin.

(v) Households shall not be required to make any payments in money, materials or services for, or in connection with, the receipt of commodities; and they shall not be solicited in connection with the receipt of commodities for voluntary cash contributions for any purpose.

(vi) Adequate personnel, including supervisory personnel, to review the Food Distribution Program shall be

provided to ensure compliance with the requirements of this part.

(vii) Use of disclosure of information obtained from food distribution applicant households, exclusively for the Food Distribution Program, shall be restricted to persons directly connected with the administration or enforcement of the provisions of the Food Distribution Programs as defined in Part 283 of this subchapter, the Food Stamp Act or regulations, or with other Federal or federally aided, means-tested assistance programs such as Title IV–A (AFDC), XIX (Medicaid), or XVI (SSI), or with general assistance programs that are subject to the joint processing requirements specified in § 273.2(j)(2).

(b) *Operating manuals.* The State agency shall maintain ongoing consultation with the ITO in developing the State agency's written internal policies, instructions, and forms which are necessary to carry out the Food Distribution Program and shall submit them to FNS for approval prior to their use. The State agency shall file any comments or recommendations offered by the ITO, for review by FNS.

(c) *Staffing.* Personnel used in the certification process shall be employed in accordance with (1) the current standards for a Merit System of Personnel Administration or any standards later prescribed by the Office of Personnel Management under Section 208 of the Intergovernmental Personnel Act of 1970 or (2) when appropriate, the ITO's personnel system if it incorporates the basic elements of a merit system.

(d) *Bilingual requirements.* (1) The State agency shall provide bilingual staff, certification forms, including the application form and certification notices as specified in § 283.7(a)(2) and (b)(3), respectively, and any form developed by the State agency for reporting changes in household composition and income, pursuant to § 283.7(c), and outreach materials, when either an estimated 100 or more low income households or the majority of low-income households on the reservation are a single language minority. Single-language minority refers to households which speak the same non-English language and which do not contain adults(s) fluent in English as a second language. If the non-English language is spoken but not written, the State agency shall provide bilingual staff, if required, but not bilingual material.

(2) The State agency shall ensure that officies serving reservations subject to the critiria in paragraph (d)(1) of this section provide sufficient biligual staff for the timely processing of non-English speaking applicants.

(3) The State agency shall develop estimates of the numbers of low-income, single-language minority households by using census data (including the Census Bureau's Current Population Report: Population Estimates and Projections, Series P–25, No. 627) and knowledge of the reservation. Local Bureau of Census offices, Community Services Administration offices, Community Action agencies, Bureau of Indian Affairs, Indian Health Services, planning agencies, the ITO and school officials may be important sources of information in determining the need for bilingual services.

(e) *Outreach and referral.* The State agency shall inform potentially eligible households of the availability of the Food Distribution Program. The State agency shall develop and distribute printed information in the appropriate languages about the Program and eligibility requirements. Outreach material shall contain information about a household's right to file an application on the same date it contacts the certification office. The State agency shall be sufficiently familiar with general eligibility requirements for the Supplemental Food Program for Women, Infants and Children (WIC) or the Commodity Supplemental Food Program, if available to reservation residents, the Supplemental Security Income Program (SSI), and appropriate public and general assistance programs, to identify those applicants whose households contain persons who may be eligible for these programs, to inform the applicants of their potential eligibility, and to provide the applicants with the addresses and telephone numbers for these programs. For example, the State agency should provide information on the WIC program to applicants whose households contain pregnant women, nursing or postpartum women, or children up to the fifth birthday.

(f) *Training requirements.* The State agency shall institute a training program for all personnel who are assigned responsibility for the certification of applicant households, for fair hearing officers, for field supervisors who review local Food Distribution Programs, for those involved in outreach and those responsibile for ordering, storing, and distributing commodities.

(1) State agency training programs shall cover eligibility criteria, certification procedures, commodity ordering, storage and distribution practices, household rights and responsibilities and other job-related responsibilities. The content of the training material shall be reviewed and revised periodically to correct deficiencies in program operations or reflect changes in policy and procedures.

(2) The State agency shall allow public attendance at formal certification training sessions in accordance with § 274.2(e)(1)(iv).

(3) FNS shall review the effectiveness of State agency training based on information obtained from field reviews, administrative analyses and other sources.

(g) *Nutrition education.* The State agency shall publicize how commodities may be used to contribute to a nutritious diet and how commodities may be properly stored by means of visual displays, and printed material. The State agency shall encourage appropriate organizations, county extension home economists, expanded Food and Nutrition Program aides, and qualified volunteers to provide food and nutrition information, menus, or cooking demonstrations, as appropriate for participating households. The State agency shall encourage the dissemination of food and nutrition information designed to improve the nutrition of households on reservations.

(h) *Records and reports.* The State agency shall keep records and submit reports and other information as required by FNS. Records required under this part shall be retained for a period of three years from the date of the submission of the annual financial status report, SF–269; except that, if any litigation, claim or audit is started before the expiration of the three year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

(i) *Monitoring.* In accordance with its responsibility for efficient and effective program administration the State agency shall monitor and review its operations under this part to ensure compliance with the provisions of this part and with any applicable instructions of FNS.

(1) The State agency shall review program operations at least annually, document program deficiencies and establish and implement specific plans of corrective action for deficiencies noted.

(2) Reviews of operations shall include, but not be limited to, certification of households, determination of food preferences, distribution of commodities, fair hearing procedures, commodity inventories and timeliness and accuracy of reports to FNS.

(3) Program reviews and corrective action plans shall be available to FNS upon request.

(j) *Investigations and complaints.* The State agency shall promptly investigate complaints received of irregularities in the handling, distribution, receipt or use of commodities, other than use of commodities by eligible households in the preparation of meals for home consumption, and shall take appropriate action to correct any irregularities. The State agency shall also promptly investigate complaints of irregularities relating to certification procedures or the delivery of services and shall take appropriate action to correct any irregularities or noncompliance with provisions relating to certification procedures, provision of services or household rights. The State agency shall document each investigation and action in sufficient detail to allow for FNS review of all State agency actions and information. The Department shall make investigations at the request of the State agency and ITO or when the Department determines an investigation is necessary.

(k) *Sanctions.* If the State agency fails to comply with the provisions of this part or its plan of operation, FNS may (1) take action against any State agency under § 283.9(g) of this part with respect to administrative funds available from FNS for use by the State agency or (2) disqualify the State agency from further distribution of commodities to households. Disqualification of the State agency shall not prevent FNS or the Department from taking other actions, including prosecution under applicable Federal statutes, when deemed necessary. Reinstatement shall be contingent upon approval by FNS of the State agency's plan for corrective action or determination by FNS that the State agency has complied with any other requirements for reinstatement which FNS may set forth. These provisions apply to all State agencies, regardless of whether the Program is administered by an agency of the State government or an ITO. If the ITO is disqualified as a State agency, an appropriate agency of State government shall administer the Food Distribution Program on the reservation. If an agency of State government is disqualified as the State agency for the Food Distribution Program on the reservation, the ITO may request in writing a capability determination for program administration in accordance with § 283.4.

(l) *Appeals.* (1) The agency of the State government or an ITO may appeal an initial determination by FNS on:

(i) Whether or not the reservation definition is met;

(ii) The capability of an ITO to administer the Food Distribution Program;

(iii) Sanctions taken under § 283.5(k) or § 283.9(g); or

(iv) The Federal matching percentage level of administrative funding made available by FNS.

(2) At the time FNS advises the State agency or ITO of its determination, FNS shall also advise the State agency or ITO of its right to appeal and, except for appeals of funding determinations, shall advise the State agency or ITO of its right to request either a meeting to present its position in person or a review of the record. On appeals of funding determinations, FNS shall advise the State agency or ITO that it may indicate if it wishes a meeting, however, FNS need schedule a meeting only if FNS determines a meeting is warranted to reach a proper adjudication of the matter. Otherwise, FNS shall review supportive information submitted by the State agency or ITO in paragraph 3(ii) of this section.

(3) *Procedure.* (i) *Time Limit.* Any State agency or ITO that wants to appeal an initial FNS determination under paragraph (1) of this section must notify the Administrator of FNS, in writing, within 15 days from the date of the determination. If the appeal concerns either subparagraphs (1)(i) or (ii) of this section, the implementation timeframes as specified in § 283.4(d)(2) and the timeframe for determining an ITO's capability as specified in § 283.5 are suspended from the date the appeal is requested to the date of the final determination.

(ii) *Acknowledgement.* Within five days of receipt by the Administrator, of FNS, of a request for review, FNS shall provide the State agency or ITO with a written acknowledgement of the request by certified mail, return receipt requested. The acknowledgement shall include the name and address of the official designated by the Administrator, FNS, to review the appeal. The acknowledgement shall also notify the State agency or ITO that within ten days of receipt of the acknowledgement, the State agency or ITO shall submit written information in support of its position.

(4) *Scheduling a meeting.* If the Administrator, FNS, grants a meeting FNS shall advise the State agency or ITO of the time, date and location of the meeting by certified mail, return receipt requested at least ten days in advance of the meeting. FNS shall schedule and conduct the meeting and make a decision within 60 days of the receipt of the information submitted in response to paragraph (3)(ii) of this section.

(5) *Review.* If no meeting is conducted the official designated by the Administrator, FNS, shall review information presented by a State agency or ITO which requests a review and shall make a final determination in writing within 45 days of the receipt of the State agency's or ITO's information submitted in response to paragraph (3)(ii) of this section setting forth in full the reasons for the determination.

(6) *Final decision.* The official's decision after a meeting or a review shall be final.

(m) *Implementation.* The State agency shall implement changes required by amendments to these regulations in accordance with schedules specified in the amendment. (1) *Amendment 141.* (i) If an ITO currently participates in, but does not administer, the Food Distribution Program:

(A) FNS shall determine tribal eligibility and capability to administer the Food Distribution Program within 60 days of receipt of a completed application. If an incomplete application is received, FNS shall within 15 days, notify the ITO of what additional information is required. If an otherwise completed application was received by FNS prior to the effective date of these regulations, but as a result of these regulations additional information is now required, FNS shall promptly notify the ITO of what additional information to submit. If the ITO submits the necessary additional information on an application received by FNS prior to the effective date of these regulations within 15 days of the request for additional information from FNS, the 60 days to determine capability shall continue to date from receipt of the initial completed application. Otherwise, the processing time for the capability determination shall start from the date the additional information is received by FNS.

(B) Upon FNS' determination that the ITO will administer the Food Distribution Program, FNS shall expeditiously plan for and provide needed training and technical assistance to facilitate timely commencement of tribal administrative responsibilities. The ITO shall have 120 days from FNS' determination in (A) to submit and have approved a plan of operation, operating manuals, and to commence program operations under the regulations as specified in this Part. Extensions may be granted by FNS to Indian tribal organizations if good cause is shown.

(C) If FNS determines that an ITO is not capable of administering the Food

Distribution Program, FNS shall direct the State to continue program operations and to submit a new plan of operation and to commence program operations under the regulations as specified in this Part within 120 days from FNS' determination in (A).

(ii) If an ITO currently administers the Food Distribution Program, the timeframe specified in subparagraph (i) above apply except that:

(A) FNS shall determine tribal eligibility and capability to administer the Food Distribution Program within 30 days of receipt of a completed application.

(B) If FNS determines that the ITO will not administer the Food Distribution Program, FNS shall direct the ITO to continue program operations until the State government can commence program operations. The State government shall have 120 days from FNS' determination in (A) to submit and have approved a plan of operation and to commence program operations under the regulations as specified in this Part.

(iii) If an ITO does not currently participate in a Food Distribution Program, the timeframes in subparagraph (i) above apply except that if FNS determines that an ITO can not administer the Program, FNS shall direct the State to submit a plan of operation and to commence program operations under the regulations as specified in this Part within 180 days from the determination.

(iv) Extensions to the above implementation timeframe (except for those timeframes set forth in paragraphs (i)(A) and (ii)(A) of this subsection) may be granted by FNS to ITO's or State government agencies if there is compelling justification involving circumstances which were not reasonably foreseeable and which are not the fault of the ITO or the State agency and which circumstances present extraordinary problems that would render earlier implementation impossible.

§ 283.6 Eligibility of households.

(a) *Household concept.* (1) The State agency shall determine eligibility for the Food Distribution Program on a household basis. Household means any of the following individuals or groups of individuals, provided that such individuals or groups are not boarders or residents of an institution and provided that separate household or boarder status shall not be granted to a spouse of a member of the household, or to children under 18 years of age under the parental control of a member of the household.

(i) An individual living alone.

(ii) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others.

(iii) A group of individuals living together for whom food is customarily purchased in common and for whom meals are prepared together for home consumption.

(2) *Nonhousehold members.* The following individuals residing with a household shall not be considered household members in determining the household's eligibility. Nonhousehold members specified in (i) and (v) who are otherwise eligible may participate in the Program as separate households.

(i) *Roomers.* Individuals to whom a household furnishes lodging, but not meals, for compensation.

(ii) *SSI recipients in "cash-out" States.* Recipients of SSI benefits who reside in a State designated by the Secretary of Health, Education, and Welfare to have specifically included the value of the coupon allotment in its State supplemental payments. These persons are not eligible for Food Distribution Program benefits.

(iii) *Disqualified individuals.* Individuals disqualified from the Food Stamp Program for fraud, as set forth in § 273.16.

(iv) *Illegal residents.* Individuals who are not legal residents of the United States. While U.S. citizenship is not required for participation in the Food Distribution Program, persons receiving food distribution benefits must be lawfully living in the United States.

(v) *Others.* Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household. For example, if the applicant household shares living quarters with another family to save on rent, but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant household.

(3) *Authorized representatives.* The head of the household, spouse, or any other responsible member of the household may designate an authorized representative to act on behalf of the household in making application for commodities and/or obtaining commodities as provided in § 283.7(a)(10)(i) and § 283.7(a)(10)(ii) respectively.

(b) *Residency or citizenship.* (1) A household must be living on the reservation in which it files an application for participation, except that Indian tribal households need only be living near the reservation for participation purposes. Residency shall not mean domicile nor shall the State agency impose any durational residency requirement. However, persons on the reservation solely for vacations shall not be considered residents. No household may participate in the Food Stamp Program or in the Food Distribution Program in more than one geographical area at the same time.

(2) No person shall participate in the Food Distribution Program on an Indian reservation unless the person is legally a resident of the United States. A further discussion of "legal residency" is provided in § 283.6(a)(3)(iv).

(c) *Income and resource eligibility standards of public assistance, supplemental security income, and certain general assistance households.* (1) Households in which all members are included in a Federally aided public assistance or supplemental security income grant, except as provided for in § 283.6(a)(2)(ii), shall, if otherwise eligible under this part, be determined to be eligible to participate in the Food Distribution Program while receiving such grants without regard to the income and resources of the household members.

(2) If FNS determines that a State or local general assistance program applies criteria of need the same as or similar to, those applied under any of the Federally aided public assistance programs, households in which all members are included in such a general assistance grant, shall, if otherwise eligible under this part, be determined to be eligible to participate in the Food Distribution Program while receiving such grants without regard to the income and resources of household members.

(d) *Resource eligibility standards.* (1) *Uniform household standards for nonassistance households.* The State agency shall apply uniform national resource standards of eligibility to all applicant households, except those in which all members are recipients of Federally aided public assistance, supplemental security income, or certain general assistance program benefits as provided in (c)(2). The maximum allowable resources shall not exceed $1,750 for the household; except that, for households of two or more members which include a member or members age 60 or over, such resources shall not exceed $3,000.

(2) *Resources.* In determining the resources of a household, only cash on hand, money in checking or savings accounts, savings certificates, stocks, or bonds, or other readily negotiable and accessible certificates or instruments

shall be counted; except that the following resources shall be entirely excluded:

(i) The cash value of life insurance policies and pension funds, including funds in pension plans with interest penalties for early withdrawals, such as a Keogh plan or an Individual Retirement Account (IRA), as long as the funds remain in the pension plans.

(ii) Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction if the funds are not used as intended, for example payments made by the Department of Housing and Urban Development through the individual and family grant program of disaster loans or grants made by the Small Business Administration.

(iii) Resources, such as those of students or self-employed persons, which have been prorated as income. The treatment of self-employment income is explained in § 283.7(b)(1)(iii).

(iv) Resources which are excluded by express provision of Federal statute. The following is the current listing of resources excluded by Federal statute:

(A) Payment received under the Alaska Native Claims Settlement Act (Pub. L. 92–203, section 21(a) or the Sac and Fox Indian claims agreement Pub. L. 94–189);

(B) Payments received by certain Indian tribal members under Pub. L. 94–114, section 6, regarding submarginal land held in trust by the United States;

(C) Payments received by certain Indian tribal members under Pub. L. 94–540 regarding the Grand River Bank of Ottawa Indians;

(D) Reimbursements from the Uniform Relocation Assistance and Real Property Acquistion Policy Act of 1970 (Pub. L. 91–646, section 216);

(E) Earned income tax credits received before January 1, 1980, as a result of Pub. L. 95–600, the Revenue Act of 1978.

(F) Payments received from the youth incentive entitlement pilot projects, the youth community conservation and improvement projects and the youth employment and training programs under Title IV of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95–524).

(3) *Jointly owned resources.* Resources owned jointly by separate households shall be prorated between or among those households unless the applicant can demonstrate that such resources are inaccessible to it because access to the value of the resource is dependent upon the agreement of a joint owner who refuses to comply.

(4) *Resources of disqualified members.* Resources of individuals disqualified from participation in the Food Stamp Program for fraud shall continue to count in their entirety to the remaining household members when determining the household's eligibility for the Food Distribution Program.

(e) *Income.* (1) *Income eligibility standards for nonassistance households.*

(i) The State agency shall apply uniform national income eligibility standards for the Food Distribution Program except for households in which all members are recipients of public assistance, supplemental security income except as provided for in § 283.6(a)(2)(ii) or certain general assistance program payments as provided in § 283.6(c). The income eligibility standards shall be the monthly income eligibility standards for the Food Stamp Program in the State, increased by the amount of the standard deduction for that State, as published in the appendix to § 273.9.

(ii) The income eligibility standards for the Food Distribution Program shall be adjusted each January 1 and July 1, as necessary, to reflect changes in the Food Stamp Program income eligibility limits and standard deductions.

(2) *Definition of income.* Household income shall mean all income from whatever source, excluding only items specified in paragraph (3) of this section.

(i) Earned income shall include:

(A) All wages and salaries of an employee.

(B) The total gross income from a self-employment enterprise, including the net profit from the sale of any capital goods or equipment related to the business. Ownership of rental property shall be considered a self-employment enterprise. Payments from a roomer and returns on rental property shall be considered self-employment income.

(C) Training allowances from vocational and rehabilitative programs recognized by Federal, State or local governments, such as the Work Incentive Program, and programs authorized by the Comprehensive Employment and Training Act, to the extent they are not a reimbursement.

(ii) Unearned income shall include, but not be limited to:

(A) Assistance payments from Federal or Federally aided public assistance programs, such as Supplemental Security Income (SSI) or Aid to Families with Dependent Children (AFDC), General Assistance (GA) programs, or other assistance programs based on need.

(B) Annuities; pensions; retirement; veteran's or disability benefits; worker's or unemployment compensation; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults.

(C) Support or alimony payments made directly to the household from nonhousehold members.

(D) Scholarships, education grants, fellowships, deferred payment loans for education, veteran's education benefit and the like in excess of amounts excluded under paragraph (e)(3)(iii) of this section.

(E) Payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

(F) The earned or unearned income of an individual disqualified from participation in the Food Stamp Program for fraud shall continue to be counted as income, less the pro rata share for the disqualified member. Procedures for calculating this pro rata share are described in § 283.7.

(iii) Income shall not include the following:

(A) Monies withheld from an assistance payment, earned income or other income source, or monies received from any income source which are voluntarily or involuntarily returned to repay a prior overpayment received from that income source.

(B) Child support payments received by AFDC recipients which must be transferred to the agency administering Title IV–D of the Social Security Act of 1935, as amended, to maintain AFDC eligibility.

(3) *Income exclusions.* Only the following items shall be excluded from household income and no other income shall be disregarded:

(i) Any gain or benefit which is not in the form of money payable directly to the household, including:

(A) *In-kind income.* Nonmonetary or in-kind benefits, such as meals, clothing, public housing, or produce from a garden.

(B) *Vendor payments.* A payment made in money on behalf of a household shall be considered a vendor payment whenever a person or organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household. For example, if a relative, who is not a household member, pays out of its own resources the household's rent directly to the landlord, the payment is considered a vendor payment and is not counted as income to the household. Also, payments specified by a court order or other

written support or alimony agreement to go directly to a third party rather than the household and support payments which are paid to a third party are excluded as vendor payments. Wages garnished or diverted by employers, or money deducted or otherwise diverted from a household's public assistance grant by a State for purposes such as managing the household's expenses, shall not be considered a vendor payment, since the person or organization making the the payment is using money payable to the household rather than its own funds.

(ii) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of $30 in a quarter.

(iii) Education loans on which payment is deferred, grants scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees. Mandatory fees are those charged to all students or those charged to all students within a certain curriculum. For example, uniforms, lab fees, or equipment charged to all students to enroll in a chemistry course would be excluded. However, transportation, supplies, and textbook expenses are not uniformly charged to all students and, therefore, would not be excluded as mandatory fees.

(iv) All loans, including loans from private individuals as well as commercial institutions, other than education loans on which repayment is deferred.

(v) Reimbursements for past or future expenses to the extent they do not exceed actual expenses. For example, reimbursements of flat allowances for job or training related expenses such as travel per diem, uniforms, and transportation to and from the job or training site are excluded as income.

(vi) Monies received and used for care and maintenance of a third party beneficiary who is not a household member.

(vii) The earned income (as defined in paragraph (e)(2)(i) of this section) of children who are members of the household, who are students at least half time and who have not attained their eighteenth birthday. The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vaction breaks, provided the child's enrollment will resume following the break. Individuals are considered children for purposes of this provision if they are under the parental control of another household member.

(viii) Money received in the form of a nonrecurring lump sum payment, including but not limited to, income tax refunds, rebates, or credits; retroactive lump-sum social security, SSI, public assistance, railroad retirement benefits or other payments, or retroactive lump-sum insurance settlements; refunds of security deposits on rental properties or utilities or lump-sum payments arising from land interests held in trust for, or by, a tribe. These payments shall be counted as resources in the month received unless specifically excluded from consideration as a resource by other Federal law.

(ix) The cost of producing self-employment income. The procedures for computing the cost of producing self-employment income are described in § 283.7(b)(1)(iii).

(x) Any income that is specifically excluded by any other Federal statute from consideration as income. The following Federal statutes provide such an exclusion.

(A) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Pub. L. 91–646, section 216).

(B) Payments received under the Alaska Native Claims Settlement Act (Pub. L. 92–203, section 21(a)).

(C) Any payment to volunteers under Title II (RSVP, foster grandparents, and others) and Title III (SCORE and ACE) of the Domestic Volunteer Services Act of 1973 (Pub. L. 93–113), as amended. Payments under Title I (VISTA) to volunteers shall be excluded for those individuals receiving federally donated commodities, food stamps, or public assistance at the time they joined the Title I program, except that households which are receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of implementation of these rules shall continue to receive an income exclusion for VISTA for the length of their volunteer contract in effect at the time of implementation of these rules. Temporary interruptions in food distribution shall not alter the exclusion once an initial determination has been made. New applicants who are not receiving Federally donated commodities, food stamps or public assistance at the time they joined VISTA shall have these volunteer payments included as earned income.

(D) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Pub. L. 94–114, section 6).

(E) Payments received by certain Indian tribal members under Pub. L. 94–540 regarding the Grand River Band of Ottawa Indians.

(F) Payments from the Crisis Intervention Program (CIP) administered by the Community Services Administration (CSA).

(G) Payments received from the youth incentive entitlement pilot projects, the youth community conservation and improvement projects and the youth employment and training programs under title IV of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95–524).

(f) *Income deductions.* (1) Households with earned income, as defined in paragraph (e)(2)(i) of this section, shall be allowed a deduction of twenty percent of their earned income. Earned income excluded under paragraph (e)(3) of this section shall not be considered earned income for the purpose of computing this deduction.

(2) Households shall also receive a deduction for the actual costs for the care of a child or other dependent when necessary for a household member to accept or continue employment or attend training or pursue education which is preparatory to employment. This deduction shall not exceed the maximum allowable deduction for dependent care costs allowable under the Food Stamp Program in the 48 States and the District of Columbia.

§ 283.7 Certification of households.

(a) *Application processing*—(1) *General purpose.* The application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency shall act promptly on all applications. Expedited service shall be available to household in immediate need. When the State agency is other than the ITO, the ITO, when appropriate, may receive copies of certification and/or termination notices to the extent requested or agreed upon by the household. State agencies and ITOs may develop formalized mechanisms to ensure ITO receipt of notices.

(2) *Food Distribution Program application form.* The State agency shall use an application form acceptable to FNS. The State agency shall consult with the ITO in developing the application form. The State agency shall make application forms readily accessible to potentially eligible households and those groups or organizations involved in outreach efforts. The State agency shall also provide an application form to anyone who requests the form. State agencies which elect joint PA or GA/Food Distribution Program procedures shall follow the requirements of § 283.7(f) for

the application form. State agencies may also use an abbreviated recertification form.

(3) *Filing an application.* Households must file an application for the Food Distribution Program by submitting the form to a certification office in person, through an authorized representative or by mail. The State agency shall document the date the application was received. Each household has the right to file an application form the same day it contacts the certification office during office hours on the reservation where the household resides. The household shall be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the application contains the applicant's name and address and is signed by a responsible member of the household or the household's authorized representative.

(4) *Household cooperation.* To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied upon a determination of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed and not merely fail to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied solely for this reason. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates.

(5) *Interviews.* All applicant households, including those submitting applications by mail, shall have an interview with a qualified eligibility worker prior to initial certification and all recertifications. At State agency discretion, applicants may be interviewed by telephone or in the home. No household shall be interviewed by telephone for any two consecutive certifications without a face-to-face interview. State agencies must attempt to schedule home visits in advance. Home visits cannot extend required processing standards set forth in § 283.7(a)(7) or § 283.7(a)(9). The individual interviewed may be the head of household, spouse, any other responsible member of the household or an authorized representative. The household, if it wishes, may be accompanied to the interview by anyone of its choice. The interviewer shall not only review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information. Households shall be advised of their rights and responsibilities during the interview. The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

(6) *Verification.* Verification is the use of third party information or documentation to establish the accuracy of statements on the application in order to determine eligibility or ineligibility of the household.

(i) *Mandatory verification.* Gross nonexempt income shall be verified for all households prior to certification. Income verification need not be to the exact dollar amount unless the household's eligibility would be affected since benefits are not reduced as income rises in the Food Distribution Program. However, where all attempts to verify the income have been unsuccessful either because the person or organization providing the income has failed to cooperate with the household and the State agency or because the other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

(ii) *Verification of questionable information.* Eligibility criteria other than income, including residency on or near the reservation, shall be verified prior to certification only if they are questionable. To be considered questionable, the information on the application must be inconsistent with statements by the applicant, inconsistent with other information on the application or previous applications, or inconsistent with other information received by the State agency. However, due to the difficulty in verifying whether a group of individuals is a household, State agencies shall generally accept the household's statement regarding food preparation and consumption.

(iii) *Responsibility for obtaining verification.* The household has primary responsibility for providing documentary evidence or an acceptable collateral contact to support its income statements and to resolve any questionable information. However, the State agency shall assist the household in obtaining the needed verification. The State agency shall accept any reasonable documentary evidence provided by the household and shall be primarily concerned with how adequately the verification proves the statements on the application. The State agency shall also accept verification from collateral contacts so long as the collateral contacts can provide accurate third party verification. The State agency shall rely on the household to provide the name of the collateral contact. The State agency is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide accurate third party verification. If the collateral contact designated by the household is unacceptable to the State agency, the State agency shall ask the household to designate another collateral contact, and the State agency shall document the casefile as to the reason the collateral contact was rejected and an alternate was requested. The State agency shall use collateral contacts, rather than documentary evidence, for verification if such verification is acceptable, and would result in better service to the household. For example, the household may be able to obtain a wage stub from the employer, but the State agency could call the employer the same day to provide the verification of income. Home visits shall be used as verification only if documentary evidence and collateral contacts cannot be obtained, and the State agency attempts to schedule the visit in advance with the household.

(iv) *Documentation.* Casefiles must be documented to support a determination of eligibility or denial. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

(v) *Verification for recertification.* At recertification, the State agency shall verify a change in income if the source has changed or the amount has changed by more than $50 per month since the last time the income was verified. State agencies may verify income which is unchanged or has changed by $50 per month or less, provided verification is, at a minimum, required when information is questionable as defined

in paragraph (a)(6)(ii) of this section. All other changes reported at the time of recertification shall be subject to the same verification procedures as apply at initial certification. Unchanged information, other than income, shall not be verified at recertification unless the information is questionable as defined in paragraph (a)(6)(ii) of this section.

(7) *Processing standards.* The State agency shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but not later than seven calendar days excluding weekends and holidays after the application was filed. An application is filed the day the State agency receives an application containing the applicant's name and address and which is signed by either a responsible member of the household or the household's authorized representative.

(8) *Delays in processing.* If the State agency cannot determine a household's eligibility within seven calendar days excluding weekends and holidays of the date the application was filed due to lack of verification as required in paragraph (a)(6), the State agency shall authorize the distribution of commodities to the household for one month pending verification. In order to certify the household pending verification, the information on the application form must be complete and indicate that the household will likely be eligible. No further distribution of commodities shall be made without completing the eligibility determination.

(9) *Expedited Service.* The State agency shall provide an opportunity to obtain commodities within one calendar day excluding weekends and holidays after the date the application was filed for those households with no income in the current month and also for those households which, in the judgment of the certifying agency, would likely be eligible and would otherwise suffer a hardship. The basis for this determination shall be recorded in the casefile. State agencies shall provide same day service, if possible, to households eligible for expedited service which would likely suffer a hardship if required to return to the office the next day. Warehouses or other distribution points need not be open during all certification hours to meet this need. However, accessibility to federally donated commodities by appropriate certification or other personnel should be established for households in immediate need. When State agencies can demonstrate a need, FNS may approve other expedited timeframes based on circumstances such as distance to warehouses or other distribution points. To expedite the certification of households in immediate need the State agency shall postpone the verification required under paragraph (a)(6) of this section. However, the State agency shall verify the household's identity and address through a collateral contact or readily available documentary evidence. If possible, the household's income statements should be verified at the same time. The State agency shall complete the verification for households certified on an expedited basis prior to the distribution of commodities to the household for any subsequent month.

(10) *Authorized representatives.* The head of the household, spouse, or any other responsible member of the household may designate an authorized representative to act on behalf of the household in one or all of the following capacities:

(i) *Making application for commodities.* When the head of the household or the spouse cannot make application, another household member may apply or an adult nonhousehold member may be designated in writing as the authorized representative for that purpose. The head of the household or the spouse should prepare or review the application whenever possible, even though another household member or the authorized representative will actually be interviewed. Adults who are nonhousehold members may be designated as authorized representatives for certification purposes only if they are sufficiently aware of relevant household circumstances.

(ii) *Obtaining commodities.* An authorized representative of the household may be designated to obtain commodities. Designation shall be made at the time the application is completed. State agencies may distribute commodities to household members or authorized representatives presenting an Identification Card or other appropriate identification that satisfactorily identifies the member obtaining commodities.

(b) *Eligibility determinations.* (1) *Determining income.* (i) The State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that is anticipated is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These monies shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, and the household's income is close to the income eligibility limit the State agency may elect to average income provided that such averaging does not disadvantage the household. Such averaging shall be based on income that is anticipated to be available to the household during the certification period. The State agency shall use income received in the past 30 days as an indicator of future income during the certification period unless changes in income have occurred or can be anticipated.

(ii) Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged.

(iii) (A) Self-employment income which represents a household's annual support including the net profit from the sale of any capital goods or equipment related to the business shall be annualized over a 12-month period, even if the income is received in only a short period of time. For example, self-employment income received by farmers shall be averaged over a 12-month period if the income represents the farmer's annual support.

(B) Self-employment income which represents only a part of a household's annual support, including the net profit from the sale of any capital goods or equipment related to the business, shall be averaged over the period of time the income is intended to cover. For example, self-employed vendors who work only in the summer and supplement their income from other sources during the balance of the year shall have their self-employment income averaged over the summer months rather than a 12-month period.

(C) For the period of time over which self-employment income is determined, the State agency shall add all gross self-employment income, exclude the cost of producing the self-employment income and divide the net self-employment

income by the number of months over which the income will be averaged. The allowable costs of producing self-employment income include but are not limited to, the identifiable costs of labor, stock, raw materials, seed and fertilizer, interest paid to purchase income producing property, insurance premiums, and taxes paid on income producing property.

(D) In determining net self-employment income, payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods, net losses from previous periods, Federal, State, and local income taxes, money set aside for retirement purposes, and other work-related personal expenses (such as transportation to and from work) will not be allowable costs of doing business.

(iv) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income, less the 20 percent earned income deduction, shall then be added to all monthly unearned income received by the household.

(v) Allowable costs for dependent care shall be subtracted from the household's total monthly income to determine net monthly income.

(vi) The total net monthly income shall be compared to the income eligibility standard for the appropriate household size to determine the household's eligibility.

(2) *Certification periods.* (i) the State agency shall establish definite periods of time within which households shall be eligible to receive benefits. Further eligibility shall be established upon a recertification based upon a newly completed application, an interview, and such verification as required by paragraph (a)(6)(v) of this section.

(ii) Certification periods shall conform to calendar months. The first month in the certification period of initial applicants shall be the month in which eligibility is determined. For example, if a household submits an application in late January and the household is determined eligible on the fifth working day which falls in February, a six-month certification period would include February through July. Upon recertification, the certification period will begin with the month following the last month of the previous certification period.

(iii) A household shall be assigned a certification period for as long a period as the household's circumstances are expected to remain sufficiently stable such that the household is expected to continue to meet the program's eligibility standards. In no event shall a certification period exceed one year.

(3) *Certification notices.* (i) *Notice of eligibility.* If an application is approved, the State agency shall provide the household a written notice of eligibility and the beginning and ending dates of the certification period. Households certified on an expedited basis shall be advised that the subsequent month's eligibility will depend upon completion of the postponed verification.

(ii) *Notice of denial.* If the application is denied, the State agency shall provide the household written notice explaining the basis for the denial, the household's right to request a fair hearing, and the telephone number and address of the person to contact for additional information. If there is an individual or organization available which provides free legal representation, the notice shall also advise the household of the availability of the service.

(iii) *Notice of adverse action.* (A) Prior to any action to reduce or terminate a household's benefits within the certification period State agencies shall provide the household timely and adequate advance notice before the adverse action is taken.

(B) In State agencies that have elected joint public assistance or general assistance and Food Distribution processing, the notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public or general assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. In circumstances other than joint processing, the advance notice shall be considered timely if the advance notice period includes at least 10 and no more than 20 days from the date the notice is mailed to the date upon which the action becomes effective.

(C) The notice of adverse action shall be considered adequate if it explains in easily understandable language: the reason for the proposed action, the household's right to request a fair hearing, when the proposed action will take effect, the telephone number and address of someone to contact for additional information and the availability of continued benefits. If there is an individual or organization available which provides free legal representation, the notice shall also advise the household of the availability of the service. The State agency shall consult with the ITO in developing the notice of adverse action.

(D) The State agency shall continue distribution of commodities to the household after the end of the adverse notice period if the household requests a fair hearing during the advance notice period.

(c) *Reporting changes.* (1) Certified households are required to report changes in household composition and income which would necessitate a change in the determination of eligibility. To facilitate reporting changes in income each certified household shall be advised at the time of certification what the maximum monthly income limit, as defined in § 283.6(e)(1), is for its size household, and shall be required to report any change in income that goes above that limit to the certification office within ten days after the change becomes known to the household. Households must also report within ten days when cash on hand, money in checking or savings accounts, savings certificates, stocks, or bonds, or other readily negotiable instruments exceeds $1,750. The State agency shall develop the procedures for when and how changes in household circumstances are reported. Changes reported over the telephone or in person shall be acted on in the same manner as those reported in writing.

(2) If the State agency determines that the household is no longer eligible or reduces the amount of commodities due the household because the household has lost a member or members, the State agency shall provide the household with a notice of adverse action not later than ten days after the change is reported. If the reported change increases the amount of commodities due the household, the household shall be notified that the increase shall be effective not later than the month following the date the change was reported.

(d) *Recertification.* (1) The State agency shall develop a procedure for notifying the household prior to or shortly after the end of its certification period that the household must reapply and be recertified for continued participation. Households shall also be notified of the date upon which termination from participation will be effective should the household fail to reapply before the expiration of the certification period.

(2) The State agency shall approve or deny a household's application for recertification and notify the household of that determination prior to the expiration of the household's current certification period. Households

applying for recertification in the last month of the current certification period must be provided an opportunity to obtain commodity distribution on an uninterrupted basis.

(3) The State agency shall continue distribution of commodities to the household denied at the point of recertification if the household timely requests a fair hearing.

(e) *Controls for dual participation.* (1) *Prohibition on dual participation.* No household shall be allowed to participate simultaneously in the Food Stamp Program and Food Distribution Program. The State agency shall inform each applicant household of this prohibition and shall develop a method to detect dual participation. The method developed by the State agency shall, at a minimum, employ lists of currently certified households provided by and provided to the appropriate food stamp agency on a monthly basis. The State agency may also employ computer checks, address checks and telephone calls to prevent dual participation. The State agency shall coordinate with the appropriate food stamp agency or agencies in developing controls for dual participation.

(2) *Choice of programs.* Households eligible for either the Food Stamp Program or Food Distribution Program on reservations on which both programs are available may elect to participate in either program. Such households may elect to participate in one program, and subsequently elect the other at the end of the certification period. Households may also elect to switch from one program to the other program within a certification period only by terminating their participation, and notifying the State agency of their intention to switch programs. Households certified in either the Food Distribution or Food Stamp Program on the first day of the month can only receive benefits in the program for which they are currently certified during that month. At the point the household elects to change programs the household should notify the State agency of its intent to switch programs, and should file an application for the program in which it wishes to participate. Households voluntarily withdrawing from one program with the intent of switching to the other shall have their eligibility terminated for the program in which they are currently certified on the last day of the month in which the household notifies the State agency of its intent to change programs. Entitlement in the program for which a household is now filing an application, if all eligibility criteria are met, would begin in the month following the month of termination in the previous program.

(3) *Disqualification.* (i) No individual disqualified from participation in the Food Stamp Program for fraud may participate in the Food Distribution Program until the period of disqualification expires. The State agency in cooperation with the appropriate food stamp agency must develop a procedure to identify these individuals.

(ii) During the time a household member is disqualified, the eligibility and food distribution benefits of any remaining household members shall be determined as follows:

(A) *Resources.* The resources of the disqualified member shall continue to count in their entirety to the remaining household members.

(B) *Income.* A pro rata share of the income of the disqualified member shall be counted as income to the remaining members. This pro rata share is calculated by dividing the disqualified member's earned (less the 20 percent earned income deduction) and unearned income evenly among all household members, including the disqualified member. All but the disqualified member's share is counted as income to the remaining household members.

(C) *Eligibility and benefits.* The disqualified member shall not be included when determining the household's size for purposes of assigning food distribution benefits to the household or for purposes of comparing the household's net monthly income with the income eligibility standards.

(f) *Joint Processing PA/GA.* (1) State agencies which are responsible for and administer both the Food Distribution and public assistance (PA) or general assistance (GA) programs on Indian reservations may allow a household to apply for the Food Distribution Program at the same time the household applies for PA or GA benefits. However, while PA households are categorically eligible, GA households except for those households in GA programs which have been determined by FNS to have criteria of need the same as, or similiar to those under Federally aided public assistance programs as provided for in § 283.6(c)(2) shall have their eligibility for commodities based solely on Food Distribution eligibility criteria. All criteria provided in this subsection, (f), are applicable to State agencies which administer both the Food Distribution and assistance programs and which elect joint processing. Under joint processing, the State agency shall use joint application forms that contain all the information needed to determine eligibility for commodities or shall attach a form for the other needed information.

(2) The State agency shall process all applications for PA or GA as applications for the Food Distribution Program as well, unless the household clearly indicates on a space on the application that the household does not want commodities. The State agency shall conduct a single interview for PA or GA and Food Distribution Program eligibility, unless the State agency is unable to do so within the Food Distribution Program processing standards specified in § 283.7(a)(7) and § 283.7(a)(9). In such cases the State agency shall provide separate certification for PA or GA and Food Distribution Program eligibility.

(3) The State agency may verify those factors of eligibility which must be verified for PA or GA, under PA or GA rules, but must follow the Food Distribution Program rules for all other factors.

(4) PA households have the same reporting requirements as any other food distribution household. PA households which report a change in circumstances to the PA worker shall be considered to have reported the change for food distribution purposes. All of the requirements pertaining to reporting changes for PA households shall be applied to GA households in project areas where GA and food distribution cases are processed jointly.

(5) The State agency must follow all Food Distribution Program timeliness rules for certification of households for the Food Distribution Program.

(g) *Fair Hearing.* (1) *Availability of hearings.* The State agency shall provide a fair hearing to any household aggrieved by any action of the State agency which affects the participation of the household in the Food Distribution Program.

(2) *Timely action on hearings.* (i) *Receipt of request.* Within 60 days of receipt of a request for a fair hearing, the State agency shall conduct the hearing, arrive at a decision and either issue or not issue commodities to the household.

(ii) *Household requests for postponement.* The household may request and is entitled to receive, a postponement of the scheduled hearing. The postponement shall not exceed 30 days and, the time limit for action on the decision may be extended for as many days as the hearing is postponed.

(3) *Notification of right to request hearing.* At the time of application, each household shall be informed of its right

to a hearing, of the method by which a hearing may be requested, and that its case may be presented by a household member or a representative, such as a legal counsel, a relative, a friend or other spokesperson. If there is an individual or organization available which provides free legal representation, the household shall also be informed of the availability of that service. Hearing procedures shall be published by the State agency and made available to any interested party.

(4) *Time period for requesting hearing.* A household shall be allowed to request a hearing on any action by the State agency which occurred in the prior 90 days or which affects current benefits.

(5) *Request for hearing.* A request for a hearing is any clear expression, oral or written, by the household or its representative to the State agency that it wishes to present its case to a higher authority. The freedom to make such a request shall not be limited or interfered with in any way. Upon request, the State agency shall make available without charge the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing.

(6) *Denial or dismissal of request for hearing.* The State agency shall not deny or dismiss a request for a hearing unless:

(i) The request is not received within the time period specified in paragraph (g)(4) of this section;

(ii) The request is withdrawn in writing by the household or its representative; or

(iii) The household or its representative fails, without good cause, to appear at the scheduled hearing.

(7) *Notification of time and place of hearing.* The time, date and place of the hearing shall be convenient to the household. At least 15 days prior to the hearing, advance written notice shall be provided to all parties involved to permit adequate preparation of the case. The notice shall:

(i) Advise the household or its representative of the name, address, and the phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing.

(ii) Specify that the State agency will dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause.

(iii) Include the State agency hearing procedures and any other information that would provide the household with an understanding of the proceedings, and that would contribute to the effective presentation of the household's case.

(iv) Explain that the household or representative may examine the casefile prior to the hearing.

(8) *Hearing official.* Hearings shall be conducted by an impartial official(s), designated by the State agency, who does not have any personal interest or involvement in the case and who was not directly involved in the initial determination of the action which is being contested. The hearing official shall:

(i) Administer oaths or affirmations if required by the State;

(ii) Ensure that all relevant issues are considered;

(iii) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

(iv) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing; and

(v) Render a hearing decision in the name of the State agency, in accordance with paragraph (g)(11) of this section, which will resolve the dispute.

(9) *Attendance at hearing.* The hearing shall be attended by a representative of the State agency which initiated the action being contested and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household upon household consent.

(10) *Conduct of hearing.* The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a manner that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

(i) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing, as well as during the hearing. The contents of the casefile, including the application forms and documents of verification used by the State agency shall be made available, provided the confidential information is protected from release. The State agency shall provide a free copy of the relevant portions of the casefile if requested by the household or its representative. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(ii) Present the case or have it presented by a legal counsel or other person.

(iii) Bring witnesses.

(iv) Advance arguments without undue interference.

(v) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(vi) Submit evidence to establish all pertinent facts and circumstances in the case.

(11) *Hearing decisions.* (i) Decisions of the hearing officials shall comply with Federal law or regulations and shall be based on the hearing record. The verbatim transcript or recording of testimony and exhibits or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for a final decision by the hearing official.

(ii) A decision by the hearing official shall be binding on the State agency and shall summarize the facts of the case, specify the reasons for the decision and identify the supporting evidence and the pertinent FNS regulations. The decision shall become a part of the record.

(iii) The household shall be advised of the decision of the hearing official and of the right to pursue judicial review.

(12) *Agency conferences.* (1) The State agency shall offer agency conferences to households which request an immediate resolution by a higher authority of a denial of eligibility for food distribution benefits. The State agency may also offer agency conferences to households adversely affected by any agency action. The State agency shall advise households that use of an agency conference is optional and that such use shall in no way delay or replace the fair hearing process. The agency conferences may be attended by the eligibility worker responsible for the agency action, and shall be attended by an eligibility supevisor and/or the agency director, as well as the household and/or its representative. An agency conference may lead to an informal resolution of the dispute. However, a fair hearing must still be held if requested by the household.

(2) An agency conference for households requesting an immediate resolution by a higher authority of an eligibility issue shall be scheduled within four working days of the request unless the household requests that it be scheduled later or states that it does not wish to have an agency conference.

§ 283.8 Commodity control, storage and distribution.

(a) *Control and accountability.* The State agency shall be responsible for the issuance of commodities to households and the control of and accountability for the commodities upon its acceptance of the commodities at time and place of delivery.

(b) *Commodity inventories.* The State agency shall, in cooperation with the FNS Regional office, develop an appropriate procedure for determining and monitoring the level of commodity inventories at central commodity storage facilities and at each local distribution point. The State agency shall maintain the inventories at proper levels taking into consideration, among other factors, household preferences and the historical and projected volume of distribution at each site. The procedures shall provide that commodity inventories at each central storage facility and each local distribution point are not in excess, but are adequate for, an uninterrupted distribution of commodities.

(c) *Storage facilities and practices.* The State agency shall as a minimum ensure that:

(1) Adequate and appropriate storage facilities are maintained. The facilities shall be clean and neat and safe-guarded against theft, damage, insects, rodents and other pests.

(2) Department recommended dunnage, stacking and ventilation methods are followed.

(3) Commodities are stacked in a manner which facilitates an accurate inventory.

(4) Commodities are issued on a first-in, first-out basis.

(5) Commodities held in storage for a protracted period of time are reinspected prior to issuance.

(6) Out-of-condition commodities are disposed of in accordance with Department approved methods.

(7) Notification is provided to certified households of the location of distribution sites and days and hours of distribution.

(8) An adequate supply of commodities which are available from the Department is on hand at all distribution sites.

(9) Sufficient distribution sites, either stationary or mobile, are geographically located or routed in relation to population density of eligible households.

(10) Days and hours of distribution are sufficient for caseload size and convenience.

(11) Households are advised they may refuse any commodity not desired, even if the commodities are prepackaged by household size.

(12) Emergency issuance of commodities will be made to households certified for expedited service in accordance with the provisions of § 283.7(b)(9).

(13) Eligible households or authorized representatives are identified prior to the issuance of commodities.

(14) Authorized signatures are obtained for commodities issued and the issue date recorded.

(15) Posters are conspicuously displayed advising program participants to accept only those commodities, and in such quantities, as will be consumed by them.

(16) Complete and current records are kept of all commodities received, issued, transferred, and on hand and of any inventory overages, shortages, and losses.

(17) A list of commodities offered by the Department is displayed at distribution sites so that households may indicate preferences for future orders.

(d) *Distribution.* The State agency shall distribute commodities only to households eligible to receive them under this part. If the State agency uses any other agency, administration, bureau, service or similar organization to effect or assist in the certification of households or distribution of commodities, the State agency shall impose upon such organization responsibility for determining that households to whom commodities are distributed are eligible under this part. The State agency shall not delegate to any such organization its responsibilities to the Department for overall management and control of the Food Distribution Program.

(e) *Improper distribution or loss of or damage of commodities.* State agencies shall take action to obtain restitution in connection with claims arising in their favor for improper distribution, use or loss, or damage of commodities in accordance with the State agency's agreement with the Department under § 250.6(b) of part 250 of this chapter and the requirements of § 250.6(l) of this same chapter.

(f) *Damaged or out-of-condition commodities.* The State agency shall immediately notify the appropriate Food and Nutrition Service Regional Office (FNSRO) if any commodities are found to be damaged or out-of-condition at the time of arrival, or at any subsequent time, whether due to latent defects or any other reason. FNSRO shall advise the State agency of the appropriate action to be taken with regard to such commodities. If the commodities are declared unfit for human consumption in accordance with § 250.7 of Part 250 of this chapter, they shall be disposed of as provided for under that section. When out-of-condition commodities do not create a hazard to other food at the same location, they shall not be disposed of until FNSRO or the responsible commodity contractor approves. When circumstances require prior disposal of a commodity, the quantity and manner of disposition shall be reported to the appropriate FNSRO. If any damaged or out-of-condition commodities are inadvertently issued to a household and are rejected or returned by the household because the commodities were unsound at the time of issuance and not because the household failed to provide proper storage, care or handling, the State agency shall replace the damaged or out-of-condition commodities with the same or similar kind of commodities which are sound and in good condition. The State agency shall account for such replacements on its monthly inventory report.

§ 283.9 Administrative funds for State agencies.

(a) *Payments.* Within the limitation of funds available to carry out the provisions of this Part, FNS shall, beginning with fiscal year 1980, make available to each State agency 75 percent of approved administrative costs. Any approval for payment of funds in excess of 75 percent shall be based on compelling justification that such additional amounts are necessary for the effective operation of the Food Distribution Program on an Indian reservation. Compelling justification may include, but not be limited to, such factors as the need for a larger Federal contribution during a State agency's first year of operation of the program, and the need to assure that no State agency currently operating the program receives a level of funding that would cause a diminution of program services. Administrative costs must be included in annual or revised budget information submitted by the State agency to FNS for approval prior to the contribution of Federal funds. Administrative costs must be allowable under Part 277 of this Chapter.

(b) *Use of funds by State agencies.* Any funds received under this section shall be used for any costs which are allowable under Part 277 of this chapter and which are incurred in operating the Food Distribution Program for households on a reservation. The value of services rendered by volunteers, Part

277 notwithstanding, shall be allowable to meet the matching administrative costs requirements for the Food Distribution Program. In no event shall such funds be used to pay any portion of such expenses if reimbursement or payment therefor is claimed or made available from any other Federal source. State agencies shall also adhere to the provisions of Part 277 of this chapter, as apply to the Food Distribution Program, which establish:

(1) Uniform requirements for the adminstration of funds to State agencies; and

(2) Principles for determining costs applicable to activities assisted by the Food Stamp Program funds provided to State agencies. The provisions of Part 277 are generally adaptable to this section and the appropriate provisions shall be used in complying with paragraphs (b) and (f) of this section.

(c) *Application for funds.* (1) Any State agency administering an ongoing Food Distribution Program which desires to receive administrative funds under this section shall submit a Form AD-623, "Application for Federal Assistance," to the appropriate FNS Regional Office at least three months prior to the beginning of a Federal fiscal year; except that, for funds needed during fiscal year 1980, the application shall be submitted as soon as practicable, but no later than 60 days followed final publication of this part in the Federal Register. The budget information required in Part III of the application shall reflect by category of expenditure the State agency's best estimate of the total amount to be expended in the administration of the Food Distribution Program during a Federal fiscal year. FNS may require that detailed information be submitted by the State agency to support or explain the total estimated amounts shown for each cost budget category. Prior to submission by an agency of State government of the AD-623 to FNS, it shall be submitted to the State clearinghouse pursuant to Part I of OMB Circular A-95. ITO's which act as State agencies are encouraged to submit the AD-623 to the State clearinghouse.

(2) Approval of the application by FNS shall be a prerequisite to the payment of any funds to State agencies.

(d) *Availability of funds.* (1) FNS shall review and evaluate the budget information submitted by the State agency in relationship to the State agency's plan of operation and any other factors which may be relevant to FNS' determination as to whether the estimated expenditures itemized by budget category are reasonable and justified. FNS shall give written notification to the State agency of (i) its approval or disapproval of any or all of the itemized expenditures, (ii) the amount of funds which will be made available, and (iii) the period for which funds are available.

(2) FNS shall review and evaluate applications submitted by State agencies for administrative funds available under this section in the following order of priority and shall give preference in making payments of funds under this section in the same order of priority: (i) applications from State agencies which desire to continue a Food Distribution Program now in operation, (ii) applications from State agencies, in the order received, which FNS determines are immediately capable of effectively and efficiently administering the Program, and (iii) applications from other States agencies, in the order received.

(e) *Method of payment to State agencies.* (1) Payments are made to State agencies through a Letter of Credit or an advance by Treasury check. The Letter of Credit funding method shall be used by FNS except when the advances to be made within a 12 month period are estimated to be less than $120,000. However, FNS may, at its option, reimburse a State agency by Treasury check regardless of the amount in response to a valid claim submitted by the State agency.

(2) The Letter of Credit funding method shall be done in conjunction with Treasury Department procedures, Treasury Circular No. 1075 and through an appropriate Treasury Regional Disbursing Office (RDO). The Standard Form 183, "Request for Payment on Letter of Credit and Status of Funds Report," shall be correctly prepared and certified by a duly appointed official of the State for requesting payment from an RDO.

(3) The advance by Treasury check method shall be done by use of the Standard Form 270, "Request for Advance or Reimbursement," and procedures associated with its use. State agencies receiving payments under this method may request payments before cash outlays are made.

(4) Any State agency receiving payment under the Letter of Credit method or the advance by Treasury check method shall have in place and in operation, a financial management system which meets the standards for fund control and accountability prescribed in Part 277 of this chapter, as amended. The State agency shall demonstrate on a continuing basis its willingness and ability to have and to function within procedures that will minimize the time lapse between the transfer of funds and its disbursement to meet obligations. For any State agency which does not meet the requirement of this paragraph, the reimbursement by Treasury check method shall be the preferred method for FNS to make payments to that State agency.

(f) *Accounting for funds.* Each State agency which receives administrative funds under this section shall establish and maintain an effective system of fiscal control and accounting procedures. Expenditures and accountability of such funds shall be in accordance with the appropriate provisions of Part 277. The accounting procedures maintained by the State agency shall be such as to accurately reflect the receipt, expenditure and current balance of funds provided by FNS and to facilitate the prompt preparation of reports required by FNS. The accounting procedures shall also provide for segregation of costs specifically identifiable to the Food Distribution Program from any other costs incurred by the State agency. Any budget revisions by a State agency which require the transfer of funds from an approved cost category to another shall be in accordance with the budget revision procedures set forth in OMB Circular No. A-102, Attachment K, and shall be approved by FNS prior to any transfer of funds.

(g) *Return, reduction, and reallocation of funds.* (1) FNS may require State agencies to return prior to the end of the fiscal year any or all unobligated funds received under this section, and may reduce the amount it has apportioned or agreed to pay to any State agency if FNS determines that:

(i) The State agency is not administering the Food Distribution Program in accordance with its plan of operation approved by FNS and the provisions of this part, or

(ii) The amount of funds which the State agency requested from FNS is in excess of actual need, based on reports of expenditures and current projections of Program needs.

(iii) Circumstances or conditions justify the return reallocation or transfer of funds to accomplish the purpose of this part.

(2) The State agency shall return to FNS within 90 days following the close of each Federal fiscal year any funds received under this section which are unobligated at that time.

(h) *Records, reports, audits.* (1) The State agency shall:

(i) Keep such accounts and records as may be necessary to enable FNS to

determine whether there has been compliance with this section, and

(ii) Adhere to the retention and custodial requirements for records set forth in § 277.4 of this chapter.

(2) The State agency receiving funds either through a Treasury RDO Letter of Credit system or Treasury check shall submit quarterly reports to FNS on Form SF–269, "Financial Status Report," by the 30th day after close of the reporting quarter and shall submit such other reports as may be required by FNS.

(3) The State agency receiving funds other than through a Treasury RDO Letter of Credit system shall submit quarterly reports to FNS on Form SF–272, "Federal Cash Transactions Report," within 30 days after the end of the reporting quarter.

(4) The appropriate provisions of Part 277 are adaptable to this section for additional guidance.

Note.—The Food and Nutrition Service has determined that this document contains a major proposal requiring preparation of an impact analysis statement and certifies that an impact analysis statement has been prepared. A copy may be obtained from Acting Deputy Administrator, Alberta Frost.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

The Indian Tribal Organization application for a Food Distribution Program for households and other recordkeeping and reporting requirements have been submitted to OMB for approval under the Federal Reports Act of 1942.

Dated: June 13, 1979.

Carol Tucker Foreman,

Assistant Secretary.

[FR Doc. 79–18936 Filed 6–18–79; 8:45 am]

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Federal Register

Tuesday
June 19, 1979

Part IV

Department of Health, Education, and Welfare

National Institutes of Health

Request for Nominations for Members of NIH National Advisory Councils and Boards

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Request for Nominations for Members of NIH National Advisory Councils and Boards

The National Institutes of Health (NIH), the medical research arm of the Department of Health, Education and Welfare (HEW), invites nominations for membership on national advisory councils and boards.[1] Each of the NIH bureaus, institutes and divisions (BIDs) awarding grants has a national advisory council whose members generally are leaders in the fundamental sciences, medical sciences, education, or public affairs. Section 301 of the Public Health Service (PHS) Act (42 U.S.C. 241), the basic authority under which NIH research project grants are made, provides that no grant may be awarded unless it has been recommended for funding by the appropriate national advisory council.

The councils review and evaluate program accomplishments and help to identify and resolve problems in program planning and development. They provide guidance to the programs of the BIDs in the context of national health needs as part of their statutory responsibilities to "advise, consult with, and make recommendations to" the Secretary, HEW, on "matters relating to health activities . . ." The councils also consider the impact of BID decisions on grantee institutions. With increasing frequency, the councils are also asked to review the concept of new initiatives before solicitation of grant applications, Request for Applications (RFA), or contract proposals, Request for Proposals (RFP). Also the councils provide final review for merit and program relevance of all applications for research grants, Institutional National Research Service Awards, and other grant applications that require such approval under the PHS Act.

Information about the functions of each national advisory council, the expertise required, and the number of anticipated vacancies for terms generally beginning November 1, 1980, will be found in the listing which follows. Nominations must be submitted by August 1, 1979, and will be solicited annually thereafter.

Any person may nominate one or more candidates for consideration on one or more specific councils. Self nominations are accepted. NIH/HEW have a special interest in assuring that women, ethnic minorities and the handicapped are adequately represented on advisory councils and particularly encourage their nominations.

All nominations will receive careful consideration; however, appointment authority resides with the Secretary, HEW.

Description of the Peer Review System

The NIH peer review system is based upon two sequential levels of review, referred to as the "dual review system." Both levels have statutory bases. The first level of review is performed by scientific review groups which are established, in general, along lines of scientific disciplines and consist of experts in relevant research fields. The scientific review groups managed by the Division of Research Grants are referred to as Study Sections. The Study Sections consist of 12 to 20 scientific members each and have as their primary function the review and evaluation for scientific merit of research grant applications.

Other scientific review groups are managed by the BIDs and have diverse review responsibilities, such as multidisciplinary research requests and a variety of other specialized proposals, including research contract proposals.

The second-level of review for research grant applications is performed by a national advisory council for each BID which supports extramural research. These groups are comprised of both scientists and non-scientists and have broader responsibilities. The mix of members adds to the grant review and selection process relevant programmatic and policy considerations. The councils also offer advice and make recommendations on public policy and matters of significance to the mission and goals of the BIDs they serve.

Responsibilities of Advisory Councils and Their Members

Each advisory council is composed primarily of non-Federal scientists and public members selected for their competence, interest, and knowledge in the missions of the specific BID involved. Council members review BID program objectives, priorities, balance and accomplishments. They also may make recommendations on factors related to resource allocation, program management and administration. Council members provide assurance of NIH responsiveness to public needs as well as NIH support to high quality biomedical research. Usually a minimum of three meetings are held yearly. Each meeting generally requires two or three days of intensive review of research proposals, policy matters, and program review. At least two weeks before each meeting date, the BID staff sends out material on each grant application, agenda items, and reports to be reviewed. Council members are expected to read and be prepared to contribute to the discussion on all applications and to identify those needing special attention. Specific assignments are made in advance of the meeting so that designated council members can lead the discussion on various matters related to the deliberations and recommendations to be formulated at the meeting.

Occasionally members also participate in project site visits when additional information or personal discussion with the applicant institution and investigators are deemed necessary for the council to reach a definitive recommendation. A BID may convene special council meetings in addition to the minimum of three each year to deal with special reports, new initiatives for the future, and to advise further on public issues related to biomedical research. Furthermore, certain councils are madated by law to submit annual reports to the Congress on the needs, progress, and achievements of the BID. Members generally serve terms not to exceed four years.

Criteria for Selection of Council Members.

The PHS Act directs the Secretary, HEW, to appoint members to NIH advisory councils in accordance with the requirements set forth by the enabling legislation.[2] These requirements are designed to assist in the selection and appointment of individuals who are knowledgeable in the programmatic areas of the BID mission, familiar with NIH procedures, aware of the roles of diverse institutions in biomedical research, and mindful of the health needs of the American people. To provide this range of expertise, each council consists of both scientific and public members. Ex-officio members from other agencies are appointed as required by law or for administrative reasons.

Criteria for Selection of Scientific Members

Individuals selected as scientific members are chosen from among those recognized as outstanding leaders and experts in their research fields and considered to have a broad interest in, and understanding of, the relationship of biomedical science to societal needs. Individuals who are regarded as senior scientists are viewed as particularly desirable members because they bring to such deliberative bodies a wealth of experience and perspective gained from scientific research and tranining. It is expected that council members have made significant research contributions in a field relevant to the mission of the BID and are recognized also for other scientific accomplishments. Scientific members should have an awareness of the standards of scientific merit and of the review criteria utilized by the NIH peer review system. In addition to scientific accomplishment, mature judgment, balanced perspective, and objectivity are essential.

Criteria for Selection of Public Members

Individuals selected as public members are leaders in such fields as eduction, law, social sciences, public health, or public and community affairs, and must have a demonstrated interest in, and background relevant to, the needs of society in the areas of the mission of the BID. Public members constitute approximately one third of each council.

Other Considerations for Membership

Within a given council, representation of scientific disciplines or medical research specialties must permit the attainment and maintenance of a proper balance of expertise to cover the range of the mission and goals of the BID. In addition, such factors as geographic distribution and adequate representation of minority, female and handicapped candidates must be considered.

No two members of the council are appointed from the same institution or organization. With rare exceptions, no member may serve concurrently on more than one HEW advisory group.

Within these criteria, guidelines, and conditions, the practice is to make selections for advisory service from the widest available pool of qualified candidates.

Nomination Procedures

Recommendations for membership originate with the BID staff who draw on personal knowledge of the disciplines and of the scientists who have made significant research contributions and are regarded as senior scientific statesmen. Recommendations from other NIH staff and current and former members are also considered. Responses to this announcement will constitute an important new source of potential members for BID staff to consider.

Approximately twenty-five percent of the positions become vacant each year. The general procedure is for NIH to nominate one principal and one alternate candidate for each vacancy on an advisory council. Final appointment is made by the Secretary who issues the invitation letter. The PHS Act directs the Secretary to appoint members to advisory councils in accordance with the requirements set forth by each of the sections of the act which apply to the particular council.

How to Respond to the Announcement

This announcement invites nominations to fill vacancies on NIH advisory councils for terms beginning November 1, 1980. The missions of the various BIDs listed below apply to the entire council and are not limited to current vacancies.

Nominations must be received by August 1, 1979. Please submit a mailing address with the name of each nominee so that the nominee may be contacted to provide more detailed information. Specify the council on which you feel the nominee is qualified to serve. An individual may be nominated for more than one council. To be considered, the nomination should include a statement that the nominee is aware of the nomination and is willing to serve.

In addition to the council for which a nominee is proposed, he/she may be considered by the NIH for other consultant activities. Prior to appointment candidates will be asked by the NIH to provide detailed information concerning financial holdings and consultancies to identify any possible conflicts of interest.

Address nominations to: Joan T. Bailey, DRA—Nominations, Office of the Director, National Institutes of Health, Room 1B58, Building 31, Bethesda, Maryland 20205.

NIH National Advisory Councils and Boards

National Advisory Council on Aging

Number of anticipated vacancies: 3.

Functions: Advises and makes recommendations on programs relating to aging and the elderly. Reviews applications for research projects on the aging process and the diseases and other special problems and needs of the aged.

Structure: Consists of twelve public and professional members, seven of whom are leading medical or scientific authorities skilled in aspects of the basic biological, biomedical, social, and the behavioral sciences related to aging.

National Advisory Allergy and Infectious Diseases Council

Number of anticipated vacancies: 1.

Functions: Advises and assists the Director in development of policy and program; undertakes specific studies to determine national needs; and makes recommendations on matters related to program in the areas of allergy and other immunological diseases, infectious diseases, and the basic disciplinary areas of research related to these health problems. Provides final review of research and training grant applications in these fields of research.

Structure: Consists of fifteen members, ten of whom are leading medical or scientific authorities outstanding in the study, diagnosis, or treatment of allergy, immunology, and infectious diseases.

National Arthritis, Metabolism, and Digestive Diseases Advisory Council

Number of anticipated vacancies: 3.

Functions: Reviews applications for research projects in arthritis, rheumatism, metabolism, diabetes, and digestive diseases. There is within the council a Digestive Diseases Committee which specifically reviews applications for projects relating to digestive diseases and nutrition.

Structure: Consists of eighteen members, at least fourteen of whom are leading medical or scientific authorities outstanding in the study, diagnosis, treatment or prevention of arthritis, bone and skin diseases, diabetes, endocrinology, metabolism, digestive diseases, nutrition, kidney, urologic and blood diseases.

National Advisory Child Health and Human Development Council

Number of anticipated vacancies: 4.

[2] Members of the National Cancer Advisory Board are appointed for six year terms by the President.

Functions: Reviews applications for research projects in the fields of maternal health, child health and human development. Advises on matters relating to maternal health, child health and human development.

Structure: Consists of fourteen members, nine of whom are leading medical or scientific authorities outstanding in the fields of research or training related to the biological and behavioral facets of maternal health, child health and human development.

National Advisory Dental Research Council

Number of anticipated vacancies: 3.

Functions: Reviews applications for research projects in the field of dental and oral diseases and conditions. Advises on matters relating to programs and activities in this area.

Structure: Consists of twelve members, six of whom are leading dental, medical or scientific authorities outstanding in the study, diagnosis, or treatment of dental diseases and conditions; at least four of the six are dentists.

National Advisory Environmental Health Sciences Council

Number of anticipated vacancies: 4.

Functions: Reviews applications for research projects and for grants and awards for research and training activities in the environmental health sciences. Advises on matters relating to programs and activities in the area of environmental health sciences.

Structure: Consists of fifteen members, eleven of whom are leading medical authorities, trained in toxicology, pharmacology, pathology, biochemistry, etc., knowledgeable in environmental health sciences, with special interest and understanding in how environmental contaminants (toxicants) adversely affect human health.

National Advisory Eye Council

Number of anticipated vacancies: 3.

Functions: Reviews applications for research projects in the field of eye disease and the visual system. Develops reports on vision research program planning to guide the national effort toward better understanding of the cause, prevention, and treatment of visual system disorders. Reviews research contract projects prior to solicitation of proposals from the scientific community. Makes recommendations on matters relating to diagnosis, prevention, and treatment of visual disorders, and to the mechanism of sight and visual function.

Structure: Consists of twelve members, eight of whom are leading medical or scientific authorities outstanding in the study, diagnosis, or treatment of blinding eye diseases and visual disorders. Some scientific areas represented on the Council include clinical ophthalmology and research, ophthalmic optics, immunology, physiology, biochemistry, optometry, psychophysics, and microbiology. Also included on the Council are members whose prime interest in eye care service.

National Advisory General Medical Sciences Council

Number of anticipated vacancies: 3.

Functions: Reviews applications for research projects and grants and awards for research and research training activities in the basic biomedical fields of cellular biology, molecular biology, biochemistry, genetics, pharmacology and physiology and biomedical engineering as well as in certain clinical sciences related to research in medical genetics, clinical pharmacology, anesthesiology and the mechanisms underlying response to trauma and burn injury. Advises on matters relating to general or basic medical sciences, particularly as outlined above.

Structure: Consists of twelve members, six of whom are leading medical or scientific authorities outstanding in cellular and molecular biology, genetics, pharmacology and clinical pharmacology, physiology, biomedical engineering, and related clinical areas such as anesthesiology and trauma burn studies.

National Heart, Lung, and Blood Advisory Council

Number of anticipated vacancies: 5.

Functions: Reviews applications for research and research training in heart, blood vessel, lung, and blood diseases and blood resources. Advises regarding the National Heart, Blood Vessel, Lung, and Blood Diseases Program. Submits report annually on the progress of the Program toward the accomplishment of its objectives. Recommends areas of research to be supported by contracts. Advises on establishment of prevention and control programs and on national research and demonstration centers for these diseases.

Structure: Consists of eighteen members, eleven of whom are selected from among leading medical or scientific authorities who are skilled in the sciences related to diseases of the heart, blood vessels, lungs, and blood; two members are selected from persons enrolled in residency programs providing training in heart, blood vessel, lung, or blood diseases; and five members are from the general public.

National Advisory Neurological and Communicative Disorders and Stroke Council

Number of anticipated vacancies: 4.

Functions: Reviews applications for research projects for grants and awards for research and training activities in the fields of neurological and communicative disorders and stroke. Advises on matters relating to programs and activities in these fields.

Structure: Consists of sixteen members, twelve of whom are leading medical or scientific authorities outstanding in the study, diagnosis, or treatment of neurological and communicative disorders and stroke.

National Advisory Research Resources Council

Number of anticipated vacancies: 4.

Functions: Advises concerning the Animal Resources, General Clinical Research Centers, Biotechnology Resources, Minority Biomedical Support, Biomedical Research Support, and Biomedical Research Development Programs. Reviews applications for research in these programs. Advises on the establishment and maintenance of ongoing evaluation studies and reports concerning any one or all of the above programs.

Structure: Consists of eighteen members, twelve of whom are leading medical or scientific authorities outstanding in the fields of research and/or research administration related to the programs of the Division of Research Resources. Scientific disciplines/expertise are required in the areas of clinical investigation, biomedical engineering, veterinary medicine, pathology, physiology, biochemistry, internal medicine, biophysics, biomedical communications, pediatrics, and research administration. Six members are from the lay community, with expertise in program planning administration, management, and public information.

Board of Regents of the National Library of Medicine

(Terms for this Board begin on August 4, 1980.)

Number of anticipated vacancies: 3.

Functions: Advises on important matters of policy for the Library, including the acquisition of materials, the scope, content, and organization of the Library's services, and the rules under which its materials, publications, facilities, and services shall be made available to various kinds of users. The Board performs a final review of proposals for support.

Structure: Consists of ten members selected from among leaders in the various fields of the fundamental sciences, medicine, dentistry, public health, hospital administration, pharmacology, or scientific or medical library work, or public affairs. At least six are selected from among leaders in the fields of medical, dental, or public health research or education.

National Cancer Advisory Board

(Six-year terms for this Board begin on March 9, 1980.)

Number of anticipated vacancies: 6.

Functions: Reviews applications for grants-in-aid relating to cancer research. Advises and assists the Director, National Cancer Institute, with respect to the National Cancer Program.

Structure: Eighteen members appointed by the President. Not more than twelve of the appointed members shall be scientists or physicians and not more than eight of the appointed members shall be representatives from the general public and not less than five of the appointed members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis, involving occupational and dietary factors). The scientists and physicians appointed to the Board shall be appointed from among persons who are among the leading scientific or medical authorities outstanding in the study, diagnosis, or treatment of cancer or in fields related thereto and at least two of the physicians appointed to the Board shall be physicians primarily involved in treating individuals who have cancer. Each appointed member of the Board shall be appointed from among persons who by virtue of their training, experience, and background are

especially qualified to appraise the programs of the Institute. The above announcement was published as an issue of the *NIH Guide for Grants and Contracts, Volume 8, No. 6,* May 4, 1979. Those who do not routinely receive the *Guide* may obtain a copy of this issue by writing to Ms. Joan Bailey, Division of Resources Analysis, Office of the Director, National Institutes of Health, Building 31, Room 1B58, Bethesda, Maryland 20205. The availability of this issue of the *Guide* also was noticed in *Science,* Volume 204, June 15, 1979, and the *Chronicle of Higher Education,* Volume 18, No. 14, May 29, 1979.

Dated: June 5, 1979.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

[FR Doc. 79-16990 Filed 6-18-79; 8:45 am]

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Federal Register

Tuesday
June 19, 1979

Part V

Environmental Protection Agency

Review of Standards of Performance for New Stationary Sources: Secondary Brass and Bronze Ingot Production

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL-1231-1]

Review of Standards of Performance for New Stationary Sources: Secondary Brass and Bronze Ingot Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Review of Standards.

SUMMARY: EPA has reviewed the standard of performance for secondary brass and bronze ingot production plants (40 CFR 60. 130, Subpart M). The review is required under the Clean Air Act, as amended August 1977. The purpose of this notice is to announce EPA's intent not to undertake revision of the standards at this time.

DATES: Comments must be received on or before August 20, 1979.

ADDRESSES: Comments should be sent to the Central Docket Section (A-130). U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Docket No. A-79-10. The Document "A Review of Standards of Performance for New Stationary Sources—Secondary Brass and Bronze Plat Plants" (EPA-450/3-79-011) is available upon request from Mr. Robert Ajax (MD-13), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ajax, telephone: (919) 541-5271.

SUPPLEMENTARY INFORMATION:

Background

In June of 1973, the EPA proposed a standard under Section 111 of the Clean Air Act to control particulate matter emissions from secondary brass and bronze ingot production plants (40 CFR 60.230, Subpart M). The standard, promulgated in March 1974, limits the discharge of any gases into the atmosphere from a reverberatory furnace which;

1. Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

2. Exhibit 20 percent opacity or greater.

In addition, any blast (cupola) or electric furnace may not emit any gases which exhibit 10 percent opacity or greater.

The Clean Air Act Amendments of 1977 require that the Administrator of the EPA review and, if appropriate, revise established standards of performance for new stationary sources at least every 4 years [Section 111(b)(1)(B)]. This notice announces that EPA has completed a review of the standard of performance for secondary brass and bronze ingot production plants and invites comment on the results of this review.

Findings

Industry Statistics

In 1969, there were approximately 60 brass and bronze ingot production facilities in the United States. Currently, only 35 facilities are operational, and only one facility has become operational since the promulgation of the NSPS in 1974. No new facilities or modifications are know to be currently planned or under construction.

Ingot production has shown a steady decline from the 1966 peak year production of 315,000 Mg (347,000 tons) to a low of 160,000 Mg (186,000 tons) in 1975, the last year for which nationwide statistics were published. The decline has been caused by a decline in the demand for products made with brass or bronze and large scale substitution of other materials or technologies for the previously used brass or bronze. No information has been reported which would indicate a reversal of the decline in brass and bronze ingot production or in the number of operating plants.

Emissions and Control Technology

The current best demonstrated control technology, the fabric filter, is the same as when the standards were originally promulgated. No major improvements in this technology have occurred during the intervening period.

High-pressure drop venturi scrubbers are used, to some extent, in the brass and bronze industry, but their overall control efficiency is lower than that of fabric filters. Electrostatic precipitators have not been used in the industry due to both the low gas flow rates and high resistivity of metallic fumes.

Only one facility has become subject to the standard since its original promulgation. This facility was tested in February 1978. The average test result of 16.9 milligrams/dry standard cubic meters (mg/dscm), or 0.0074 grains/dry standard cubic feet (gr/dscf), is lower than most of the test data used for justification of the current standard of 50 mg/dscm (0.022 gr/dscf), but this single test is not considered sufficient to draw any overall conclusion about improved control technology.

Fugitive emissions continue to be a problem in the brass and bronze industry. In most cases, these emissions are very difficult to capture and equally difficult to measure during testing. It was primarily for the former reason that the current particulate standard does not apply during pouring of the ingots. This overall situation has not changed in that only complete enclosure of the furnace can result in full control of fugitive emissions. However, information is available indicating that there may be additives capable of reducing fugitive emissions during pouring. Also, improved control of fugitive emissions may be possible through improved hood design.

Conclusions

Based on the above findings, EPA concludes that the existing standard of performance is appropriate and no revision is needed. While extension of the standard to include fugitive emissions would be possible, the lack of anticipated growth in the industry does not justify such action.

PUBLIC PARTICIPATION: All interested persons are invited to comment on this review and the conclusions.

Dated: June 12, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79-19003 Filed 6-18-79; 8:45 am]

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Federal Register

Tuesday
June 19, 1979

Part VI

Department of Justice

Bureau of Prisons

Control, Custody, Treatment, and Instruction of Inmates

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 540

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rules.

SUMMARY: This document contains interim final rules relating to correspondence. This document is intended to give the public notice of the rules in this area, not just changes from prior policy.

DATES: Effective Date: July 1, 1979 and until final rules are issued. Comment Date: Written comments will be considered if received on or before October 1, 1979.

ADDRESS: Send written comments to the Office of General Counsel, Bureau of Prisons, Room 910, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTAL INFORMATION: On May 23, 1977, the Bureau of Prisons published its proposed rules [at 42 FR 26335 et seq.] relating to correspondence. Interested persons were invited to submit comments on the proposed rules. On the basis of comments received and staff review, some changes have been made.

The interim rules provide an inmate with postage sufficient to mail five pieces of first-class domestic mail each month. This clarifies a provision allowing a "reasonable number of letters". It places a specific limit on regular mail, to avoid abuses in volume by a small number of inmates, at taxpayers' expense. Provisions are available for the mailing at government expense of legal mail or administrative remedy appeals, or in verified emergency situations, when the inmate is without funds or sufficient postage. Additional letters may be mailed provided the inmate pays the postage. This revision allows what one commenter calls an inmate's "* * * First Amendment right to mail as many letters as he or she desires if he or she pays the postage".

On July 17, 1978, the Bureau of Prisons published its proposed rules [at 43 FR 30576] relating to Change of Address and Forwarding of Mail for Inmates. Interested persons were invited to submit comments on the proposed rules. On the basis of comments and staff review, changes have been made. Of special note is the inclusion of Change of Address and Forwarding of Mail for Inmates within the scope of the rules on correspondence. This change recognizes Change of Address and Forwarding of Mail as an appropriate component of correspondence.

Many of the changes in the final rules on correspondence are of a minor, technical nature. Significant changes were suggested by comments on the proposed rules. Changes in the rules either clarify prior rule language, relieve restrictions in those rules, or state policy of longstanding application. Correspondence is recognized to be a highly desirable means for many inmates to maintain contact with those in the outside community. The rule content has been very carefully reviewed by staff. Further assessment of the correspondence rules will be conducted in the fall of this year. Comments of the public are invited and will be considered during that assessment.

PART 540—SUBPART A—GENERAL

Summary of Changes

Section 540.2(a) deletes reference to "mail sent through the prisoner's mail box" (PMB), since the Bureau's revised procedure eliminates the need for a PMB in all institutions. The new rule recognizes packages sent through the mail as general correspondence. Proposed §§ 540.2 (b) and (c) become respectively subpart (2) and (1) of § 540.2(a). An amended cross reference to § 540.16 is included in § 540.2(a)(1).

Proposed § 540.2(d), "PMB", is deleted. Proposed § 540.2(e) becomes final § 540.2(c) and is retitled "Special Mail". Agencies within the Department of Justice, specifically listed in the former rules, are now encompassed within the scope of the term "U.S. Department of Justice". Additional persons to whom the inmate may send special mail are "other law enforcement officers" and "attorneys".

A second paragraph is added to § 540.2(c). The contents encompass former § 540.2(g), now deleted, and list incoming correspondence which the Bureau recognizes as special mail. The new rule adds correspondence from "other Federal law enforcement officers" and "President and Vice President of the U.S." as special mail and specifically deletes the Bureau of Prisons from this recognition. This exclusion is made to avoid adding unnecessarily to staff time spent in processing mail. As a result of the aforementioned changes, former § 540.2(f), "Representatives of the News Media", becomes a new § 540.2(b).

PART 540—SUBPART B—CORRESPONDENCE

Summary of Changes

1. Section 540.10—This section was amended to state that regulations in this subpart supplement regulations, generally applicable to mail, issued by the U.S. Postal Service. The word "rehabilitative" is deleted from the new language as the phrase "socially useful goals" is seen as encompassing our intent.

2. Section 540.11—The term "individuals" is substituted for "inmates" in § 540.11(a), since correspondence regulations may affect persons in addition to the inmate. The new rule also incorporates the Bureau's establishment of a security level for each institution and recognizes this as a factor in the issuance of correspondence procedures for the institution. The rule requires the Warden to establish open general correspondence regulations. The final rule deletes that section of the proposed rule pertaining to the Warden's authority to impose restricted general correspondence on an institution without special procedures. There was no perceived need for this provision.

Section 540.11(b) now requires that the inmate be informed of the institution's rules for handling of inmate mail "promptly" after arrival at the institution; the change was made to emphasize the priority attached to this aspect. The notice contained in § 540.11(b) is amended to specify that, if the inmate elects not to receive his general correspondence, the correspondence is returned to the Postal Service, as opposed to the sender. The notice identifies that which is considered special mail, as specified in the second paragraph of final § 540.2(c). Another change in the notice specifies that, when an inmate refuses to sign the form, staff shall advise the inmate that the refusal shall have the same effect as if the inmate had requested his or her correspondence be returned to the Postal Service.

Section 540.11(c) substitutes the more expensive phrase "federal laws" for U.S. Postal Regulations. § 540.11(d) is new and requires that the inmate place his or her name on each outgoing envelope.

3. Section 540.12—§ 540.12, "Notificaton of Rejections" is new and contains notification procedures applicable to all rejected correspondence. Deleted from the final rules are proposed § 540.20 which

discussed "exception to notification procedures" and those parts of proposed §§ 540.18(c) and 540.19(c) which discussed rejection of correspondence.

4. Section 540.13—This section was proposed § 540.12. Proposed §§ 540.12 (a) and (b) have been deleted, since the Bureau now provides an inmate with five free postage stamps or the equivalent each month, with additional postage purchased by the inmate. Former subsections (c) and (d) become new subsections (a) and (b). § 540.13(b) is limited to incoming general correspondence. Deleted from the proposed rule is the phrase which allowed incoming mail to be read to "alert the staff to any matter that may help in evaluating the inmate's progress". Subsections 540.13 (c) and (d) are new and discuss outgoing general correspondence in relation to the security level of the institution. Subsection 540.13(e)(1) expands the proposed rule (§ 540.12(e)(1)) by specifying that the Warden may reject correspondence if it contains matter which is nonmailable under law or postal regulations. Subsection (e)(3) is amended to include a cross-reference to § 541.11(d). Subsections (e)(4) through (e)(6) are added as these provisions reflect current Bureau policy and a need for protection of the public and of institutional security. Former subsection (f), which required outgoing correspondence to be written in English, is deleted.

5. Section 540.14—This section was proposed § 540.13. Former subsections (a) and (b) become new subsections (b) and (a) respectively. New § 540.14(a) is amended in several ways. In subsection (a)(1) the cross reference is now § 540.13(e). Proposed § 540.13(b)(2) is deleted as no limit exists on the number of letters mailed by an inmate. Abuse of the mailing privilege, when an inmate was provided unlimited free mailing privilege, was regulated by the proposed requirement as to mailing "an excessive number of letters". Several commenters objected to "excessive number" as being too vague. As noted, a commenter suggested that this presented a First Amendment problem, discouraging voluminous correspondence. The commenter further suggested that this would not be a problem, if an inmate could purchase postage. These rules have been revised to accommodate that suggestion. In this way, a balance is achieved between (1) reasonable limits on the use of public monies for inmate mail, (2) an opportunity for all inmates to have some correspondence even if they lack funds, and (3) an opportunity for the inmate with minimal funds to purchase the postage he wants, to mail any volume of letters. Proposed subsections (b)(3) through (b)(8) are renumbered (a)(2) through (a)(7). § 540.14(c) deletes references to the inmate in admission and orientation and holdover status and to the whole institution being placed on restricted general correspondence. Inmates in admission and orientation now fall within the purview of the same correspondence rules as the general population. Correspondence procedures for inmates in holdover status are described in § 540.15. Reference to the whole institution being placed on restricted correspondence is deleted as there is no perceived need for this provision. Subsections (c)(1) and (c)(2) substitute the word "incident" for "misconduct" to reflect the proper title of the report. A cross-reference in subsection (d) is amended to read §§ 540.15 and 540.16. Subsection (d)(1) is expanded to include siblings as individuals with whom the individual may correspond. This subsection also discusses restrictions on correspondence. Subsection (d)(2) requires prior approval for an inmate to write a proposed correspondent to obtain a release authorizing an investigation. The new rule deletes reference to the investigation being conducted, as this statement adds no new information to the rule. Subsection (d)(3) deletes language pertaining to correspondence with friends, including the provision that the inmate and correspondent have known each other prior to confinement. Correspondence with friends is encompassed within final § 540.14(d)(2). New subsection (d)(3) revises the proposed language to specify threat to the security or good order of the institution or reasonable expectation of criminal activity as a basis for disapproval of an inmate's correspondence with a former business associate. Former subsection (d)(4) is deleted as new § 540.16 discusses Bureau procedure in respect to correspondence between confined inmates.

6. Section 540.15—This section was proposed § 540.14. Proposed subsection (a) is deleted as inmates in admission and orientation status are now recognized as falling within the purview of the general rule on correspondence. "Admission and orientation" is also deleted from the title of § 540.15. Proposed subsection (b) becomes new subsection (a) and is amended to include a definition of the term "holdover". Proposed subsection (c) becomes new subsection (b) and the cross-reference within this section is changed to read § 540.14.

7. Section 540.16—This section was proposed § 540.15. It amends the proposed rule in several ways. The new rule authorizes inmate-to-inmate correspondence with members of the immediate family as opposed to the term "close relatives" specified in the proposed rule. The new language refers to factors that the Warden is to consider prior to approving inmate-to-inmate correspondence in circumstances other than those specifically referred to in the rule. Deleted from the final rule are those portions of proposed subsection (b)(3) which required a relationship between the confined inmates prior to commitment and an acknowledgement that the relationship is beneficial. The new rule specifies that the Wardens of both institutions must approve the correspondence and that correspondence between confined inmates may not be sealed and is subject to inspection and reading by staff at both the sending and receiving institution.

8. Proposed § 540.16, "Prisoner's Mail Box (PMB)", is deleted as Bureau institutions no longer have a PMB.

9. Section 540.17—This section is retitled "Special Mail" to encompass both incoming and outgoing correspondence. Subsection (a) expands the former language to state that incoming special mail is inspected for physical contraband and for the qualification of enclosures as special mail. The new rule states that the correspondence may not be read or copied if the sender has provided adequate identification on the envelope as specified in the rule. Subsections (c) and (d) are new and provide for outgoing special mail to be sealed by the inmate. The rule also requires outgoing special mail to contain a statement (stamped on the back of the envelope) as to the nature of special mail and procedures to follow in the event the recipient wishes further information or clarification on the contents of the letter or in the event that the letter contains an enclosure for forwarding to another addressee.

10. Section 540.18—Proposed subsection (a) is deleted as its provisions are encompassed within new § 540.17. Former subsection (b) becomes new subsection (a). Former subsection (c) becomes new subsection (b) and is revised to state that the inmate is responsible for advising his attorney that the attorney's correspondence is handled as special mail only if marked as specified within the rule. The new rule includes a cross-reference to

§ 540.17. Reference in the former rule to staff attaching a statement to an inmate's correspondence with the attorney and to disposition of any contraband that may be found in an attorney-to-inmate correspondence is deleted. Former subsection (d) becomes new subsection (c) and amends the cross-reference to read Part 543, Subpart B. A new subsection (d) is added and discusses procedures for an inmate to send mail to an attorney's assistant or to a legal aid student or assistant. Subsection (e) amends the cross-reference within the rule to refer to "paragraph (b) of this section".

11. Section 540.19—Subsection (a) substitutes the term "Special Mail" for "PMB". Subsection (c) amends the former rule by requiring staff to inspect incoming correspondence from representatives of the news media for its qualification as media correspondence. Reference in the former rule to rejection of correspondence from the news media is deleted as this aspect is encompassed within the general context of new § 540.12.

12. Sections 540.20 and 540.21 are new. Section 540.20, "Payment of Postage" authorizes each inmate to receive five postage stamps or the equivalent each month, sufficient to mail five pieces of first class domestic mail. Additional postage charges are borne by the inmate. The rule discusses provisions for the purchase of postage, the conditions under which mail is sent at the government's expense when an inmate is without funds or sufficient postage, and the Bureau's rule when mail is received with postage due. Implementation of this rule recognizes the inmate's right to mail as many letters as he or she wishes, provided the inmate pays the postage. The rule will reduce the significant financial expense incurred by the Bureau paying all postage charges, without placing the total burden on the inmate.

Section 540.21, "Returned Mail", discusses Bureau procedure when undelivered mail is returned to the institution by the Postal Service. It provides for the mail to be inspected by institution staff for contraband prior to its return to the inmate. Special mail which is returned undelivered is opened and inspected for contraband in the presence of the inmate.

13. Section 540.22—This section was originally published in the Federal Register July 17, 1978 (at 43 FR 30576) as Part 540, Subpart G, proposed §§ 540.80–81. As the subject matter relates to mail, it is being included within the rules on correspondence. Several changes have been made in the former rules. Proposed § 540.80 is deleted. Former § 540.81(a) becomes new § 540.22(b) and now states that mail is forwarded in accordance with postal regulations for a period of 90 days, as opposed to 180 days in the proposed rule, after the inmate's release or transfer. 90 days is believed sufficient time for an inmate to notify his or her correspondents of a change in address. The Bureau provides the inmate, prior to his or her release or transfer, with postage-paid change of address cards. The Bureau also will forward the inmate's mail, at no cost to the inmate, for this 90-day period. These steps should ensure that an inmate has adequate opportunity to notify his or her correspondents of a change in address without the inmate experiencing a loss of contact with them. Former §§ 540.81 (b) and (d) become new §§ 540.22(a)(1)–(2). Section 540.22(a)(1) requires staff to provide an inmate with a copy of the receipt form. Deleted from the proposed rule is the reference to mail being returned to the Postal Authorities as this intent is clearly stated in § 540.22(a)(2). Section 540.22(a)(2) further amends the proposed rule to specify that, when an inmate refuses to complete change of address cards during release or transfer processing, staff shall indicate this fact on the cards and deliver these to the institution mail room as opposed to the central file. This provision allows mail room staff to maintain forwarding information, whether in the form of an address or a declination, on each transferred or released inmate.

Former § 540.81(c), which discussed the inmate completing and mailing the change of address cards, is deleted from the rule language since the completion and mailing of these cards are the inmate's decision and not a rule of the Bureau of Prisons.

PART 540—SUBPART A—GENERAL

Other Comments

1. Section 540.2—One comment indicated that legal organizations and federal and state agencies should be added to the list of authorized recipients of PMB (now Special) mail. Inmates may send special mail to an attorney's assistant as indicated in § 540.18. Inmates are not authorized to send special mail to organizations, as opposed to individuals within organizations, due to increased potential for abuse of special mail. The same rationale applies to federal and state agencies. Other comments expressed concern that "representatives of the news media" includes only those papers which qualify to publish legal notices. The rule language does not exclude other representatives but states that a key test to determine whether a newspaper qualifies as a "general circulation" newpaper is whether it qualifies for the purpose of publishing legal notices. The Warden may approve another newspaper which is shown to qualify as a general circulation newspaper in the community in which it is published. Another comment on § 540.2 indicated that all authorized recipients of PMB mail should be able to send "Special Mail". This change is not made, as there are greater security risks and significant administrative burdens with incoming mail, thus requiring greater restrictions. The list of those authorized to send in special mail has, however, been slightly expanded.

2. Section 540.12—One comment favored notice always being given that correspondence is rejected. The only time that this is not done is when to do so would hamper criminal investigations, and this limitation is deemed to be necessary.

3. Section 540.13—Several comments on former §§ 540.11–12 attacked provisions authorizing the Bureau to read and inspect incoming and outgoing general correspondence and to reject correspondence according to factors identified in former § 540.12(c). The Bureau has changed the regulations concerning outgoing mail as noted in the summary of changes. The Bureau retains the authority to read and inspect incoming general correspondence (and, as specified in the rule, outgoing general correspondence) in order to preserve security and good order (e.g., to prevent escapes or to prevent money procured illegally from being sent out of the institution or to prevent drugs or other contraband from being sent into the institution). These correctional interests would not be totally met by only subjecting incoming or outgoing correspondence to fluoroscopic or other exterior inspections or by opening this correspondence only on the basis of probable cause that it contains material enumerated in subsection (e). Money, which is contraband, could not be detected through that means or standard. Several comments were directed particularly at the prohibition of an inmate running a business while incarcerated. In addition to the virtual physical impossibility of establishing procedures for inmates to continue their business while confined, the Bureau considers this prohibition to be an inherent punitive aspect of imprisonment, contemplated by any court within a sentence of confinement. Further, conducting a business would present an equal protection and

treatment problem, inevitably allowing some (particularly white collar) offenders to continue their business while confined, while others would of necessity be cut off from their regular employment by the fact of confinement.

A commenter suggested that the Bureau provide inmates with copies of all pertinent correspondence rules and regulations published by the U.S. Postal Service. While § 540.10 incorporates a cross-reference to 39 CFR, Chapter 1, which pertains to regulations generally applicable to mail issued by the Postal Service, it is considered impractical to provide inmates with current copies of all postal regulations. A common sense approach on the part of the inmate (as with the general public) and adherence to Bureau rules on correspondence, which are available to the inmate, should eliminate the possibility of violation of postal regulations.

Another comment objected to the provision that authorized the Warden (§ 540.13(a)) to limit the number of incoming letters an inmate may receive when this number places an unreasonable burden on the institution. The Bureau does not see this, from its experience, as a frequent occurrence, but considers retention of this provision necessary to protect the security and good order of the institution (for example, when incoming mail is sent from persons not directly known by the inmate and is sent in such quantity as to delay staff's processing of mail for other inmates, thereby creating a potentially disruptive situation for the institution).

4. Section 540.14—Several comments attacked the provisions contained in subsections (a) and (b) as vague and overbroad. These regulations were drafted in broad language to give Wardens maximum discretion within constitutional boundaries. It was felt impossible to clearly delineate every situation which might justify placing an inmate on restricted general correspondence. Instead, the Bureau relies on its Wardens to apply these provisions prudently and only when necessary to ensure the security or good order of the institution or to further treatment of the inmate. In practice, the Wardens have used the guidelines prudently. Other comments questioned the wisdom of restricting correspondence due to some sort of misconduct. The Bureau's new rule on inmate discipline (Part 541, Subpart B) suggests this restriction is most appropriate when the actual misconduct involves a misuse of the mail. Another comment was that "the categories of correspondents and the criteria for permitting correspondence with each category are wholly unrelated to the criteria * * * for placing a prisoner on 'restricted general correspondence' ". A restricted list identifies persons with whom an inmate may immediately correspond. The Warden may conduct an investigation of other persons requested by the inmate, prior to their placement on the restricted correspondence list. The relationship of the correspondent categories to the restricted correspondence criteria is considered ample and necessary to protect the Bureau's interests. The Bureau considers this review action necessary for persons placed on restricted general correspondence in order to protect the security and good order of the institution and to protect the public.

5. Section 540.17—A commenter objected to the Bureau's requirement that special mail, in order to be so identified, must have specific identification on the envelope. The Bureau recognizes various types of correspondence as special mail, and to ensure appropriate recognition by staff it is appropriate to require that such mail carry some outward identification. This is a minimal burden on correspondents, resulting in significant administrative advantage in speeding up the accurate processing of mail.

6. Section 540.19—Commenters objected to the exclusion of incoming correspondence from the news media from receiving recognition as special mail. The Bureau recognizes greater security risks relative to incoming mail, thus requiring greater restrictions. The Bureau does not recognize correspondence from the news media as having the same qualifications for recognition as privileged or protected mail as that afforded correspondence from attorneys and specific agencies of the government. Another comment contended that the provisions of § 540.19(b), barring confined inmates from acting as a reporter or publishing under a byline, involved an unjustified deprivation of First Amendment rights. However, such activities can result in an inmate obtaining a disproportionate prominence and influence among other prisoners which can pose a serious threat to the order of the institution. Further, it can result in an inmate using his confined situation, and information gained thereby, to conduct a business. For reasons stated above, conducting of a business is improper in a prison setting.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 USC 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR Chapter V is amended as set forth below. The effective date of these rules is July 1, 1979.

Norman A. Carlson,
Director, Bureau of Prisons.

Part 540 is added to read as set forth below:

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

Subpart A—General

Sec.
540.2 Definitions.

Subpart B—Correspondence

540.10 Purpose and scope.
540.11 Control and procedures.
540.12 Notification of rejections.
540.13 General correspondence.
540.14 Restricted general correspondence.
540.15 Inmate correspondence while in segregation and holdover status.
540.16 Correspondence between confined inmates.
540.17 Special mail.
540.18 Legal correspondence.
540.19 Inmate correspondence with representatives of the news media.
540.20 Payment of postage.
540.21 Returned mail.
540.22 Change of address and forwarding of mail for inmates.

Authority: 5 USC 301; 18 USC 4001, 4042, 4081, 4082, 5015, 5039; 28 USC 509, 510; 28 CFR 0.95–0.99.

Subpart A—General

§ 540.2 Definitions.

(a) "General Correspondence" means incoming or outgoing correspondence other than "special mail". "General Correspondence" includes packages sent through the mail.

(1) "Open General Correspondence" means general correspondence which is not limited to a list of authorized correspondents, except as provided in § 540.16.

(2) "Restricted General Correspondence" means general correspondence which is limited to a list of authorized correspondents.

(b) "Representatives of the News Media" means persons whose principal employment is to gather or report news for:

(1) A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest. A key test to determine whether a newspaper qualifies as a

"general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes. It is generally held that for a newspaper to be considered, by law, a newspaper of general circulation, and so be qualified to publish legal notices, it must contain items of general interest to the public such as news of political, religious, commercial or social affairs;

(2) A news magazine which has a national circulation and is sold by newsstands and by mail subscription to the general public;

(3) A national or international news service; or

(4) A radio or television news program of a station holding a Federal Communications Commission license.

(c) "Special Mail" means correspondence *sent to* the following: President and Vice President of the U.S., the U.S. Department of Justice (including the Bureau of Prisons), U.S. Attorneys Offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy, or Air Force, U.S. Courts including U.S. Probation Officers, Members of the U.S. Congress, Embassies and Consulates, Governors, State Attorneys General, Prosecuting Attorneys, Directors of State Departments of Corrections, State Parole Commissioners, State Legislators, State Courts, State Probation Officers, other law enforcement officers, attorneys, and representatives of the news media. "Special Mail" also includes correspondence *received from* the following: President and Vice President of the U.S., attorneys, Members of the U.S. Congress, Embassies and Consulates, the U.S. Department of Justice (excluding the Bureau of Prisons), other Federal law enforcement officers, State Attorneys General, Prosecuting Attorneys, Governors, U.S. Courts, and State Courts.

Subpart B—Correspondence

§ 540.10 Purpose and scope.

The Bureau of Prisons encourages correspondence that is directed to socially useful goals. The Warden shall establish correspondence procedures for inmates in each institution, as authorized and suggested in this rule. Regulations contained in this subpart supplement regulations generally applicable to mail, issued by the United States Postal Service (See 39 CFR, Chapter I).

§ 540.11 Control and procedures.

(a) The Warden shall establish and exercise controls to protect individuals, and the security, discipline and good order of the institution. The size, complexity and security level of the institution, the degree of sophistication of the inmates confined, and other variables require flexibility in correspondence procedures. All Wardens shall establish open general correspondence procedures.

(b) Staff shall inform each inmate in writing promptly after arrival at an institution of that institution's rules for handling of inmate mail. This notice includes the following statement:

The staff of each institution of the Bureau of Prisons has the authority to open all mail addressed to you before it is delivered to you if you elect to receive all mail. "Special Mail" (mail from President and Vice President of the U.S., attorneys, Members of the U.S. Congress, Embassies and Consulates, the U.S. Department of Justice (excluding the Bureau of Prisons), other Federal law enforcement officers, State Attorneys General, Prosecuting Attorneys, Governors, U.S. Courts and State Courts) may be opened only in your presence to be checked for contraband. This procedure occurs only if the sender adequately identifies himself on the envelope and the envelope is marked "Special Mail—Open Only in the Presence of the Inmate". Other mail may be opened and read by the staff.

If you do not want your general correspondence opened and read, the Bureau will return it to the Postal Service. This means that you will not receive such mail. You must choose whether you want your general correspondence opened, read, and delivered to you, or returned. Whatever your choice, special mail will be delivered to you, after it is opened in your presence and checked for contraband. You can make your choice by signing Part I or Part II.

PART I—GENERAL CORRESPONDENCE TO BE RETURNED TO THE POSTAL SERVICE

I have read the notice regarding mail. I do not want my general correspondence opened and read. I understand that this means that my general correspondence will be returned to the Postal Service. I also understand that special mail will be delivered to me, after it is opened in my presence and checked for contraband.

(Name) _____

(Reg. No.) _____

(Date) _____

PART II—GENERAL CORRESPONDENCE TO BE OPENED, READ, AND DELIVERED

I have read the notice regarding mail. I wish to have my general correspondence delivered to me. I understand that this means the Bureau staff may open and read my general correspondence. I also understand that special mail will be delivered to me, after it is opened in my presence and checked for contraband.

_____

(Name)

_____

(Reg. No.)

_____

(Date)

_____

Inmate name _____

_____

Req. No. _____

refused to sign this form. He (she) was advised by me that this refusal would have the same effect as if he or she had signed Part I above.

_____

Staff Member's Signature

Date _____

(c) Staff shall inform an inmate that letters placed in the U.S. Mail are placed there at the request of the inmate and he must assume responsibility for the contents of each letter. Correspondence containing threats, extortion, etc. may result in prosecution for violation of federal laws. When such material is discovered, the inmate may be subject to disciplinary action, the written material may be copied, and all material may be referred to the appropriate law enforcement agency for prosecution.

(d) An inmate shall place his or her name on each outgoing envelope.

§ 540.12 Notification of rejections.

When correspondence is rejected because of content, the Warden shall notify the sender in writing of the rejection and the reasons for the rejection. The Warden shall also give notice that the sender may appeal the rejection. The Warden shall also notify an inmate of the rejection of any letter addressed to him, along with the reasons for the rejection and notify him of the right to appeal the rejection. The Warden shall refer an appeal to an official other than the one who originally disapproved the correspondence. The Warden shall return rejected correspondence to the sender unless the correspondence includes plans for or discussion of commission of a crime or evidence of a crime, in which case there is no need to return the correspondence or give notice of the rejection, and the correspondence should be referred to appropriate law enforcement authorities. Also, contraband need not be returned to the sender.

§ 540.13 General correspondence.

(a) The Warden may not limit the number of incoming letters an inmate may receive unless the number received places an unreasonable burden on the institution.

(b) Institution staff shall open and inspect all incoming general correspondence. Incoming general correspondence may be read as frequently as deemed necessary to maintain security or monitor a particular problem confronting an inmate.

(c) Outgoing mail in Security Level I, II, III, and of pretrial detainees in all institutions may be sealed by the inmate and is sent out unopened and uninspected. Staff may open an inmate's outgoing general correspondence:

(1) If there is reason to believe it would interfere with the orderly running of the institution, that it would be threatening to the recipient, or that it would facilitate criminal activity;

(2) If the inmate is on a restricted correspondence list; or

(3) If the correspondence is between inmates. (See § 540.16)

(d) Outgoing mail in Security Level IV, V, and VI and administrative institutions, except "Special Mail", will not be sealed by the inmate and may be inspected and read by staff.

(e) The Warden may reject correspondence sent by or to an inmate if it contains any of the following:

(1) Matter which is nonmailable under law or postal regulations;

(2) Information of escape plots, of plans to commit illegal activities, or to violate institution rules;

(3) Direction of an inmate's business (see § 541.11(d), Prohibited Act No. 408). An inmate, unless he is a pretrial detainee, may not direct a business while confined. This does not, however, prohibit correspondence necessary to enable an inmate to protect property and funds that were legitimately his at the time of commitment. Thus, for example, an inmate may correspond about refinancing a mortgage on his home or sign insurance papers, but he may not operate a mortgage or insurance business while in the institution.

(4) Clear harassment of a member of the public, including invasion of privacy;

(5) A code; or

(6) Contraband (See § 500.1—An example of contraband is a package received without prior authorization by the Warden).

§ 540.14 Restricted general correspondence.

(a) The Warden may place an inmate on restricted general correspondence based on misconduct or as a matter of classification. Determining factors include the inmate's:

(1) Involvement in any of the activities listed in § 540.13(e);

(2) Attempting regularly to correspond with persons or businesses where the addressee is known by the inmate only through such sources as advertisements in newspapers, magazines, telephone directories, etc.;

(3) Being a security risk;

(4) Threatening a government official;

(5) Having committed an offense involving the mail;

(6) Having participated in major criminal activity of a sophisticated nature; or

(7) Notoriety or being highly publicized.

(b) The Warden may limit to a reasonable number persons on the approved restricted general correspondence list of an inmate.

(c) The Warden shall utilize one of the following procedures before placing an inmate on restricted general correspondence.

(1) Where the restriction will be based upon an incident report, procedures must be followed in accordance with inmate disciplinary regulations (Part 541 of this chapter).

(2) Where there is no incident report, the Warden:

(i) Shall advise the inmate in writing of the reasons the inmate is to be placed on restricted general correspondence;

(ii) Shall give the inmate the opportunity to respond to the classification or change in classification; the inmate has the option to respond orally or to submit written information or both; and

(iii) Shall notify the inmate of the decision and the reasons, and shall advise the inmate of the Administrative Remedy Procedure.

(d) When an inmate is placed on restricted general correspondence, the inmate may, except as provided in §§ 540.15 and 540.16:

(1) Correspond with his spouse, mother, father, children, and siblings, unless the correspondent is involved in a violation of correspondence regulations or would be a threat to the security or good order of the institution;

(2) Request other persons also to be placed on the approved correspondence list, subject to investigation, evaluation, and approval by the Warden; with prior approval, the inmate may write to a proposed correspondent to obtain a release authorizing an investigation; and

(3) Correspond with former business associates, unless it appears to the Warden that the proposed correspondent would be a threat to the security or good order of the institution, or that the resulting correspondence could reasonably be expected to result in criminal activity. Correspondence with former business associates is limited to social matters.

(e) The Warden may allow an inmate additional correspondence with persons other than those on his approved mailing list when the correspondence is shown to be necessary and does not require an addition to the mailing list because it is not of an ongoing nature.

§ 540.15 Inmate correspondence while in segregation and holdover status.

(a) The Warden shall permit an inmate in holdover status (i.e., en route to a designated institution) to have correspondence privileges similar to those of other inmates insofar as practical.

(b) The Warden shall permit an inmate in segregation to have full correspondence privilages unless placed on restricted general correspondence under § 540.14.

§ 540.16 Correspondence between confined inmates.

An inmate may be permitted to correspond with an inmate confined in another penal or correctional institution, providing the other inmate is either a member of the immediate family, or is a party or a witness in a legal action in which both inmates are involved. The Warden may approve such correspondence in other exceptional circumstances, with particular regard to the security level of the institution, the nature of the relationship between the two inmates, and whether the inmate has other regular correspondence. The following additional limitations apply:

(a) Such correspondence may always be inspected and read by staff at the sending and receiving institutions (it may not be sealed by the inmate);

(b) The Wardens of both institutions must approve of the correspondence.

§ 540.17 Special mail.

(a) The Warden shall open incoming special mail only in the presence of the inmate for inspection for physical contraband and the qualification of any enclosures as special mail. The correspondence may not be read or copied if the sender has adequately identified himself on the envelope, and the envelope is marked "Special Mail—Open Only in the Presence of the Inmate".

(b) In the absence of adequate identification appearing on the envelope, staff may treat the mail as

general correspondence and may open, inspect, and read the mail.

(c) Outgoing special mail may be sealed by the inmate and is not subject to inspection. The Warden, in Security Level IV, V, and VI and administrative institutions, may set aside special mail boxes for the use of inmates, to facilitate the separation and mailing of outgoing special mail.

(d) Each institution shall have a stamp made that includes the following statement: "The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address".

§ 540.18 Legal correspondence.

(a) Staff shall mark each envelope to show the date and time of receipt, the date and time the letter is delivered to an inmate and opened in his presence, and the name of the staff member who delivered the letter.

(b) The inmate is responsible for advising his attorney that correspondence will be handled as special mail only if the envelope is marked with the attorney's name and an indication he is an attorney. Legal mail will be opened in accordance with special mail procedures (see § 540.17).

(c) Grounds for the limitation or denial of an attorney's correspondence rights or privileges are stated in Part 543, Subpart B. If such action is taken, the Warden shall give notice to the attorney and the inmate affected.

(d) In order to send mail to an attorney's assistant or to a legal aid student or assistant, an inmate shall address the mail to the attorney or legal aid supervisor, or the legal organization or firm, to the attention of the student or assistant.

(e) Mail to an inmate from an attorney's assistant or legal aid student or assistant, in order to be identified and treated by staff as special mail, must be properly identified on the envelope as required in paragraph (b) of this section, and must be marked on the envelope as being mail from the attorney or from the legal aid supervisor.

§ 540.19 Inmate correspondence with representatives of the news media.

(a) An inmate may write through "Special Mail" to representatives of the news media specified by name or title (see § 540.2(b)).

(b) The inmate may not receive compensation or anything of value for correspondence with the news media. The inmate may not act as reporter or publish under a byline.

(c) Representatives of the news media may initiate correspondence with an inmate. Staff shall open incoming correspondence from representatives of the media and inspect for contraband, for its qualification as media correspondence, and for content which is likely to promote either illegal activity or conduct contrary to Bureau regulations.

§ 540.20 Payment of postage.

(a) Each inmate shall receive five postage stamps, or the equivalent, each month, sufficient to mail five pieces of first-class domestic mail, weighing one ounce or less. Additional postage charges are borne by the inmate. Postage shall be available for purchase in the inmate commissary. Writing paper and envelopes are provided at no cost to the inmate. Inmates who have verified correspondents in foreign countries may be provided postage for foreign mail in lieu of the domestic allowance. Inmate organizations will purchase their own postage.

(b) When an inmate is without funds or sufficient postage and wishes to mail legal mail or Administrative Remedy Appeal forms, such mail is sent at government expense. Mailing at government expense is also allowed for necessary correspondence in verified emergency situations for inmates without funds or sufficient postage.

(c) Mail received with postage due may not be delivered to the inmate until he or she has authorized withdrawal of funds from his or her commissary account to pay the postage due.

(d) Holdovers and pretrial commitments will be provided a reasonable number of letters at government expense.

§ 540.21 Returned mail.

Staff shall open and inspect for contraband all undelivered mail returned to an institution by the Post Office before returning it to the inmate. The purpose of this inspection is to determine if the content originated with the inmate sender identified on the letter or package; to prevent the transmission of material, substances and property which an inmate is not permitted to possess in the institution; and to determine that the mail was not opened or tampered with before its return to the institution. Any remailing is at the inmate's expense. Any returned mail qualifying as "Special mail" is opened and inspected for contraband in the inmate's presence.

§ 540.22 Change of address and forwarding of mail for inmates.

(a) Staff shall provide change of address cards, in accordance with the following procedures, to an inmate who is scheduled for release or transfer.

(1) At least one day prior to an inmate's release or transfer, staff shall give the inmate as many change of address cards as the inmate requires. Staff shall have the inmate sign a receipt for the change of address cards. If the inmate refuses to sign a form acknowledging receipt of the cards, staff shall note the reason, sign and date the receipt form and forward it to the inmate's central file. A copy of the receipt form is provided to the inmate.

(2) An inmate to be transferred or released must complete two change of address cards during release or transfer processing for use by the institution for forwarding mail. If the inmate refuses, staff shall record the refusal on the cards and deliver these to the institution mail room. Where there is no forwarding address, staff shall return the mail to the postal authorities for their disposition.

(b) Staff shall maintain forwarding addresses for a transferred or released inmate for a period of 90 days after the action, and forward the inmate's mail in accordance with postal regulations to the appropriate destination. Staff shall return mail, received after 90 days from the date of the transfer or release, to the postal authorities for their disposition.

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Federal Register

Tuesday
June 19, 1979

Part VII

Department of Agriculture

Farmers Home Administration

Rural Development: Section 601 Energy Impacted Area Development Assistance Program

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1948

Section 601 Energy Impacted Area Development Assistance Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) issues final regulations to provide assistance to areas impacted by increased coal or uranium production, processing or transportation. This action is taken to implement a public law.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Kugler, 202-447-2573.

SUPPLEMENTARY INFORMATION: On page 12936 of the Federal Register for Thursday, March 8, 1979, the Farmers Home Administration published a notice of proposed rulemaking regarding addition of a new Subpart B, "Section 601 Energy Impacted Area Development Assistance Program," to Part 1948, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action is taken to implement Pub. L. 95-620. Numerous comments have been accepted and analyzed and are discussed below. Public meetings were held to receive comments on these regulations on March 28, 1979, in Lexington, Kentucky; on March 30, 1979, in Charleston, West Virginia; on April 9, 1979, in Albuquerque, New Mexico; on April 11, 1979, in Denver, Colorado; and April 17, 1979, in Bismarck, North Dakota. Statements given at these public meetings have also been analyzed and are discussed below.

FmHA received 142 written responses to the March 8, 1979 publication as of May 8, 1979. These comments, along with the comments received at the public meetings, were seriously considered and were the basis of several changes in the final regulations.

Numerous comments were received expressing concern that the regulations as proposed were excessively lengthy, unclear in some sections, and unduly complicated. Numerous concerns were also expressed regarding the burden of documentation placed on State and local governments by the proposed regulations. In response to these comments, FmHA has reorganized, clarified, and simplified the regulations to the greatest extent possible. Requirements for documentation have been reduced to the minimum required by legislation wherever possible.

Major comments and changes are noted below:

§ 1948.51 Comments were received regarding application of the program in areas other than those impacted by increased coal and uranium production, processing and transportation activities.

FmHA believes the scope of the program in the proposed regulations accurately reflects the intent of the Congress.

§ 1948.52 Comments were received reflecting concern that the objectives of the program did not clearly state whether funding actually was available for construction purposes. This section has been reworded to clarify the program objectives.

§ 1948.53(a) This section has been reworded to clarify the meaning of an approved designated area.

§ 1948.53(c) The use of the base year as proposed has been determined to be inappropriate by the Comptroller General of the United States. FmHA has changed the regulations to reflect the ruling by the Comptroller General. The use of the term "base year" has been eliminated. A new section, § 1948.53(c) has been added to clarify the meaning of the term coal.

§ 1948.53(d)(1) A number of comments were received requesting that a section be added that would explicitly cover the inclusion of the generation of electricity at the mine-mouth. FmHA believes that such mine-mouth generation is not an eligible activity. Comments were received requesting the addition of secondary production activities as eligible within this definition. FmHA believes this inclusion would be inconsistent with Pub. L. 95-620.

§ 1948.53(d)(2) Comments were received requesting the inclusion of construction activities, and other operations relating to research, concerning the production of new fuel sources. FmHA believes that these activities are covered under the current definition as long as the basic raw material being processed is coal or uranium or a derivative thereof.

§ 1948.53(d)(3) Comments were received indicating that the definition of transportation was too broad and ambiguous. This definition has been reworded to reflect comments received.

§ 1948.53(e) This section has been reworded to clarify its meaning based on comments received.

§ 1948.53(f) Comments were received suggesting changes in this definition to more accurately reflect the legislative definition. FmHA has changed this definition in response to those comments.

§ 1948.53(g) Comments were received requesting that this definition be expanded to include auxiliary work relating to coal and uranium development activities. FmHA interprets Pub. L. 95-620 as applying only to employment directly related to coal and uranium development activities. The definition has been reworded for clarity.

§ 1948.53(h) Comments were received requesting that mine-mouth generation plants be specifically included as eligible employment facilities. FmHA believes that Pub. L. 95-620 will not allow their inclusion.

§ 1948.53(i) This section has been reworded for clarification.

§ 1948.53(l) Comments were received requesting clarification of the meaning of growth management planning. FmHA believes that §§ 1948.78 and 1948.82 currently provide the desired clarification.

§ 1948.53(m) This section has been reworded for clarification.

§ 1948.53(n) One comment received reflected the concern that these reports can only be requested by a Governor after the area has been designated and approved and that the reports might be needed prior to that time. Pub. L. 95-620 states that industry reports may be requested by a Governor only after the area has been designated and approved.

§ 1948.53(o) Comments were received requesting that the restriction of "power to levy taxes" be removed from the definition. FmHA has removed this restriction in response to these comments. Comments were received requesting that public nonprofit organizations formed for special purposes by local governments be included in this definition. FmHA has included these entities in the definition in response to these comments. Comments were received requesting the inclusion of Indian tribes within the definition of local governments. FmHA believes that Pub. L. 95-620 is intended to restrict the definition of local governments to governments which are political subdivisions of States.

§ 1948.53(s) This section has been renumbered to § 1948.53(t). A new section § 1948.53(s) has been added to define "site" for clarification and the definition of site acquisition has been reworded for clarification. Comments were received questioning whether right-of-way acquisition for public facilities services were covered under this definition. FmHA interprets this definition as it appears in the final regulations as including acquisition of rights-of-way.

§ 1948.53(t) This section has been renumbered to § 1948.53(u). Comments were received requesting the inclusion of the improvement of existing water and waste disposal systems within this definition. Pub. L. 95–620 expressly prohibits the improvement of existing public facilities as an eligible activity under this program. Existing water and sewer lines may be replaced or rehabilitated only as is necessary to supply these services to new sites for housing and public facilities developed under the provisions of this subpart.

§ 1948.53(u) This section has been renumbered to § 1948.53(v).

§ 1948.53(v) This section has been renumbered to § 1948.53(w).

§ 1948.53(w) This section has been renumbered to § 1948.53(x). Comments were received requesting the inclusion of "with cooperation of any Federally recognized tribes within such areas." Governors may within their authority cooperate with Indian tribes and other entities which may be included within a designated area; therefore, FmHA does not feel it is necessary to make special mention of any of the entities with which a Governor may choose to cooperate. At the discretion of the Governor, Indian tribal needs may be included within the State Investment Strategy for Energy Impacted Areas provided other program requirements are met.

§ 1948.53(x) This section has been renumbered to § 1948.53(y).

§ 1948.57 This section has been renumbered to § 1948.54. A number of comments have been received requesting the inclusion of the following additional types of entities as eligible applicants: Indian tribes, private nonprofit organizations, private for-profit organizations, and Title V Regional Commissions. Pub. L. 95–620 restricts eligibility for assistance to States, councils of local government, and local governments. Comments were received requesting eligibility for certain public nonprofit organizations. The eligibility of organizations has been established in the definitions under § 1948.53, paragraphs (o) and (w). Comments were received requesting that eligibility for planning grants be restricted to those organizations identified by the Governors in their designations as approved planning agencies for the various designated areas. FmHA believes that this restriction of eligible applicants cannot be made.

§ 1948.58 This section has been renumbered to § 1948.55. Comments were received expressing concern that 10 percent of all funds appropriated for and allotted to this program were required to be used for planning. FmHA has changed this section in response to these comments.

§ 1948.59 This section has been renumbered to § 1948.57 and retitled "Eligible activities." This section has been reorganized for clarification and shortened to eliminate duplication. Comments received recommended the combination of site development and site acquisition eligible activities. FmHA has combined these sections in response to comments. Comments were received requesting the inclusion of construction or rehabilitation of various public facilities as eligible activities. Pub. L. 95–620 expressly forbids these activities under this program. Comments were received requesting the inclusion of administrative costs as eligible expenses under site development and acquisition grants. Costs allowed under FMC 74–4 may be eligible.

§ 1948.60 This section has been renumbered to § 1948.56 and retitled "Program purposes." This section has been expanded to include references to direct land acquisition by FmHA and condemnation of land by the Secretary of Agriculture for the purpose of providing a better overall view of the program.

§ 1948.62 This section has been renumbered to § 1948.59. This section has been shortened and clarified to eliminate duplication. A number of comments were received requesting that repair and rehabilitation of housing and public facilities be eligible activities. Comments were received requesting the elimination of administrative expenses as ineligible activities under grants for site development and acquisition. FmHA believes that it was not the intent of Congress for these activities to be eligible under site development and acquisition grants.

§§ 1948.66–.69 These sections have been renumbered to §§ 1948.62–.65.

§ 1948.70 This section has been renumbered to § 1948.66. Comments were received regarding the A–95 review process and recommendations were received that this process be eliminated due to the short time involved in the fiscal year 1979 funding cycle. OMB Circular A–95 requires review of applications for these grants.

§ 1948.72 This section has been renumbered to § 1948.67. Comments were received expressing concern that the requirement for local governments to provide information for designation was unduly burdensome to local governments. FmHA has removed this requirement in response to these comments. Comments were received requesting that authority be given to officials other than the Governor to make designations. Pub. L. 95–620 specifically identifies the Governor of the appropriate State as the designating authority. Comments were received requesting that the boundaries of designated areas be the same as the boundaries of substate districts. The boundary lines of substate districts are drawn in response to concerns other than energy impact. Therefore, FmHA believes the Governor should have the latitude to define the energy impacted area in accordance with the socioeconomic impacts that are occurring due to coal or uranium development activities. Where such impact occurs throughout the area served by a substate district, the Governor may choose to define the area's boundaries as coterminous with the boundaries of the substate districts. A comment was received requesting additional language prohibiting a Governor from arbitrarily drawing the boundary of energy impacted areas for purposes of discrimination against minorities. FmHA believes that these considerations will be reflected in the designation-approval process conducted by the Secretary of Energy and a specific reference to activities of this type is unnecessary. Comments were received expressing concern over areas where employee residence and place of employment are located in two different States. FmHA has provided for situations of this nature in § 1948.68(c).

§§ 1948.73 and .74 These two sections have been combined into § 1948.68 and retitled "Criteria for designation and submission of designation," in response to comments received requesting simplification and elimination of duplication.

§ 1948.73(a) Comments were received suggesting that employment within related industry should be included as eligible under this section. Pub. L. 95–620 expressly limits eligible employment to employment directly related to coal and uranium development activities. Requests were made that FmHA identify standard data sources which would be acceptable under this section. It is the intention of FmHA that the Governor of the appropriate State select the data source which the Governor believes most accurately reflects the impact conditions within the State. Reference to "base year" have been eliminated in this section in response to the ruling of the Comptroller General.

§ 1948.73(b) Comments were received concerning typographical errors in this section. These have been eliminated in the final regulations.

§ 1948.73(c) Comments were received stating that this section was too burdensome and restrictive. FmHA has changed this section to a suggested list of sources for available financial resources which the Governor should examine if data presently exists that will enable the Governor to do so. Section 1948.73(c)(8) has been renumbered to § 1948.68(a)(3)(viii) and has been reworded for clarification in response to comments received.

§ 1948.74(a) FmHA has eliminated the requirement that maps for whole counties of designated energy impacted areas be submitted with a designation. This was done in order to reduce the data burden on the States.

§ 1948.74(c) FmHA has eliminated this section in response to comments indicating that it was duplicative.

§ 1948.74(d) This section has been eliminated and partially replaced by § 1948.68(d) in the interest of clarification and reduction of burden upon the States.

§ 1948.74(e) This section has been eliminated in response to comments indicating that it would reduce the burden of designation on the States.

§ 1948.74(f) This section has been eliminated and replaced by § 1948.68(f)(4) in response to comments received.

§ 1948.74(g) A number of comments were received stating that this section was unduly burdensome on the States and in response to these comments, FmHA has eliminated this section.

§ 1948.74(h) This section has been renumbered to § 1948.68(c). FmHA has added a new § 1948.68(e) due to comments received. FmHA has added new §§ 1948.68 (f) and (g) in the interest of a more expedient flow of information. FmHA has added a new § 1948.68(g) in order to relax the timetable for action by States in making designations. This action was taken in response to numerous comments received stating that the time period for States to complete their designations and be eligible for fiscal year 1979 funding was too short.

§ 1948.75 This section has been renumbered to § 1948.70. Comments were received requesting that the Secretary of Energy consider other socioeconomic factors than those listed in the designation criteria in approval of the designation made by the Governor of a State. FmHA can find no basis in Pub. L. 95–620 for a more detailed socioeconomic analysis than is required for the compliance with the designation criteria as they appear in the final regulations.

§ 1948.76 This section has been renumbered to § 1948.72. Comments were received on this section requesting that a copy of all reports submitted to the Secretary of Energy be forwarded to the Governor who requested the report by the person filing the report. Pub. L. 95–620 states that: "Copies of the report shall be provided to the Secretary of Energy and the Secretary shall, subject to the provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974, provide the report to the Secretary of Agriculture, the Governor, and the appropriate county or local officials and make it available for public review."

§ 1948.77 This section has been renumbered to § 1948.73 and combined with section 1948.86. A large number of comments were received on these sections. These comments reflected concern that a large number of factors were being used to allocate funds, and that data for some of these factors might not be available at the time of allocation. A number of comments suggested alternative ways of allocating funds. This section has been completely rewritten reflecting these concerns and maintaining consistency with Pub. L. 95–620. The date of allocation of funds has been moved forward to allow the submission of State Investment Strategies for Energy Impacted Areas prior to the allocation of funds in order to eliminate data problems. Comments were received expressing concern that 10 percent of the funds were being reserved for planning. This reservation has been changed but the Pub. L. 95–620 requirement that 10 percent of all funds be the maximum allowable percentage used for planning will be maintained. Comments were received requesting that all planning funds for a State be granted to a single State agency and allowing that agency to subcontract with other planning agencies within the State. FmHA believes that the system of making grants both to States and other eligible applicants within approved designated areas within the State will maintain the best accountability for the program as mandated by the Congress in Pub. L. 95–620. Joint applications between a State agency and other planning agencies within a State will be considered for funding by FmHA.

§ 1948.82 This section has been renumbered to § 1948.79. Comments were received reflecting concern that the process outlined in this section was too burdensome and time consuming. FmHA believes that this section complies with existing public law and agency regulations. Comments were received reflecting concerns that the preapplications and applications were filed with FmHA rather than with the Governors of the various States. FmHA has changed this section to require that a copy of all the preapplications and applications filed be submitted to the Governors of the appropriate States. Direct administration is placed on the FmHA by Pub. L. 95–620; therefore, it is the position of FmHA that all original preapplications for assistance under this program be filed with FmHA and that all approval of assistance granted under this program rest with the FmHA.

§ 1948.83 This section has been renumbered to § 1948.80. A number of comments were received concerning this section. FmHA has rewritten this section to reflect these comments. Specific changes are outlined below. New sections 1948.80(b) and (c) have been added in compliance with Pub. L. 95–620. Section 1948.83(c) has been eliminated in response to these comments. Section 1948.83(b) has been renumbered 1948.80(d). Section 1948.83(d) has been eliminated in response to comments received. A new § 1948.80(e) has been added concerning the appropriateness of the project to the needs of the area. A new § 1948.80(f) has been added for assessing the need for planning. Comments were received requesting that FmHA consider the Governor's recommended level of funding for each planning project. This consideration has been added in § 1948.80(d). Questions were asked regarding the appropriateness of using consultant firms for the preparation of growth management and housing plans under this section. It is the position of FmHA that the Congressional intent for this program is to build planning capacity to the State and local level to deal with the adverse effects of energy development. Consulting firms, in the opinion of FmHA, should be used for technical aspects of planning, but primary responsibility for the preparation of growth management and housing plans should remain with staff directly under control of responsible elected officials at the State, council of local government, and local level whenever possible.

§ 1948.84 This section has been renumbered to § 1948.78. Comments were received indicating that FmHA was not giving full consideration to existing plans for growth management and housing. A new § 1948.78(a) has been added to emphasize the use of existing plans to meet planning requirements in this program. Comments were received reflecting concern that the Governors were not given a strong enough role for coordination and

planning. A new section 1948.78(c) has been added to strengthen the Governor's role in coordination and planning with a State. Section 1948.84(d) has been renumbered to § 1948.78(f) and modified to require submission of the State Investment Strategy for Energy Impacted Areas to the appropriate A–95 clearinghouse for comment. This classification was made in response to comments received concerning this section. Comments were received requesting a detailed explanation of the requirement for maximum possible citizen involvement in the plan. The purpose of this requirement is to ensure that citizens be allowed to participate in this process to the degree to which they desire to do so. The planning process should be open and provision for interaction among citizens and officials responsible for planning preparation should be made.

§ 1948.85 This section has been divided and renumbered to §§ 1948.81 and 1948.82. § 1948.81 describes the components required for the State Investment Strategy for Energy Impacted Areas. § 1948.82 covers the process by which planning and State investment strategies will be approved by FmHA. Specific changes in this section are outlined below. Comments were received stating that § 1948.85(a)(3) and (4) required a more detailed analysis than is likely to be present in existing plans. The language in these sections has been modified to require only a brief description of socioeconomic impacts, and these subsections have been renumbered to § 1948.82(a)(3) and (4). FmHA has added an exception provision § 1948.82(e) to accommodate the use of existing plans in fiscal year 1979. Section 1948.85(a)(5) has been eliminated to avoid duplication. Section 1948.85(a)(7), (8) and (9) have been eliminated in order to reduce the planning burden on State and local government in response to comments received. Section 1948.85(a)(10)(v) has been eliminated in response to comments requesting that the planning burden on State and local government be reduced. Section 1948.85(a)(13), (14), (15) and (16) have been eliminated in response to comments requesting the elimination of the planning burden on State and local government. Comments were received reflecting concern that the Governor would have to submit to FmHA for approval all plans which the Governor has received. Other comments were received stating that the Governor's role in plan approval was not as strong as envisioned in Pub. L. 95–620. As a matter of clarification, the final regulations require the Governor to submit to FmHA for approval only those plans which the Governor believes are appropriate. The State Investment Strategy for Energy Impacted Areas will cover only those plans which the Governor believes should be included. Because no authority other than the Governor can be the author of the State Investment Strategy for Energy Impacted Areas, FmHA believes that the Governor has the primary role under this program for coordination of development within the State. Comments were received requesting that FmHA change plan approval authority from the FmHA National Office to FmHA State Offices. FmHA believes that Pub. L. 95–620 is intended to provide a national program which addresses national needs and to ensure the coordination of FmHA activities within the energy impacted areas of all of the affected States. To comply with this intent, plan approval should be at the national level. Comments were received reflecting concern that local government was not given adequate consideration for its priorities in the development of the State Investment Strategy for Energy Impacted Areas. The plans upon which the investment strategy is based are developed at the local level, and § 1948.78(f) requires that State investment strategies be submitted to the appropriate A–95 clearinghouses for comment. FmHA believes that the formulation of development plans at the local level and the submission of State Investment Strategies for Energy Impacted Areas to A–95 clearinghouses will provide for adequate consideration of local priorities. A comment was received suggesting that FmHA consider requiring an advisory cross-review of applications by field offices of other agencies to establish that an applicant has thoroughly explored other available avenues of funding. FmHA feels that this requirement is unnecessary since the Governor has already certified, in the designation of the impacted area, that available financial resources are inadequate to meet the public need for the project in a timely manner.

§ 1948.86 This section has been combined with § 1948.77 and renumbered to § 1948.73. Comments received under this section are outlined in § 1948.77.

§ 1948.87 This section has been renumbered to § 1948.83.

§ 1948.88 This section has been combined with section 1948.90 and renumbered to § 1948.84. This section has been shortened and duplication eliminated in response to comments received. Comments were received expressing concern that the front-end cost of developing the applications for these grants is too burdensome. Requirements for applications under this section are mandated by Federal law and regulation. A preapplication process has been added to this section to comply with OMB Circular A–102. Many comments were received expressing concern that these program funds could not be used in flood plain areas. This provision is required under Executive Order 11988. Comments were received expressing concern that the 25 percent matching funds requirement under this section was too burdensome to State and local government. The 25 percent local match is required by Pub. L. 95–620. Comments were received requesting that architects or engineers be specifically mentioned in § 1948.88(b)(5). This addition has been made in § 1948.84(d)(5). A comment was received requesting removal of the requirement for the Governors concurrence. FmHA feels that this requirement is necessary to ensure that the project is in accordance with the State Investment Strategy for Energy Impacted Areas.

§ 1948.89 This section has been combined with § 1948.91 and renumbered to § 1948.86 in order to avoid duplication. This section was rewritten for purpose of clarity. Sections 1948.89(b) and 1948.91(b) were changed as outlined below in response to comments. Comments requested that the Governor be the sole selecting authority for projects funded by this program. Pub. L. 95–620 assigns responsibility for the administration of this program to FmHA. Pub. L. 95–620 states that FmHA should consult with the Governor before making a grant within a State. FmHA interprets the Governor's development of a State Investment Strategy for Energy Impacted Areas and the consideration of the Governor's priorities for funding of the projects as expressed in that investment strategy under § 1948.86(b)(1) as fulfilling the full intent of the law. Sections 1948.89(b)(3) and 1948.91(b)(3) have been eliminated in response to comments received which expressed concern that the projects with high cost would be discriminated against. A new § 1948.86(b)(2) has been added in compliance with Pub. L. 95–620. A new § 1948.86(b)(4) has been added which reflects the local priority of the project. Comments were received requesting that lack of developable land be added as a selection criterion. FmHA was unable to find an effective base for this criterion in Pub. L. 95–620. A comment was received requesting the removal of the priority given to previously mined land for site

development and site acquisition grants. Pub. L. 95–620 expressly mandates this provision. Concern was expressed regarding land ownership requirements. In response to these concerns, this section now allows ownership, or leases in lieu of ownership. Concern was expressed over the length of time that might be required for an A–95 review. FmHA believes that A–95 review is a critical requirement which is needed to ensure coordination of projects within an area. This review should not require so much time as to prevent the funding of any particular project.

§ 1948.90 This section was combined with § 1948.88 and renumbered to § 1948.84. Comments received concerning this section are addressed in the discussion of § 1948.88.

§ 1948.91 This section was combined with § 1948.89 and renumbered to § 1948.86. Comments received concerning this section are addressed in the discussion of § 1948.89.

§ 1948.93 This section was divided into two sections for clarification and numbered §§ 1948.88 and 1948.89. § 1948.88 addresses the acquisition of land by FmHA at the request of the Governor of a State by purchase or trade. § 1948.89 addresses the acquisition of land by FmHA through the use of the power of the Secretary of Agriculture to condemn land under the provisions of Pub. L. 95–620. Comments were received expressing concern that Federal powers of condemnation would be used to acquire Indian Trust lands. This use of Federal condemnation power is prohibited by Pub. L. 95–620. Comments were received expressing concern that windfall profits would accrue to developers as a result of direct acquisition by FmHA. Provisions to safe-guard against windfall profits are covered in § 1948.90(b). Comments were received concerning the acquisition of Bureau of Land Mangement land for the purpose of this program. A new § 1948.88(c) has been added to clarify FmHA power to acquire Bureau of Land Management and other Federal agency held land not expressly prohibited by Pub. L. 95–620. A comment was received requesting clarification of the reimbursement process to FmHA for land acquired directly by FmHA. FmHA will be reimbursed at the fair market value by the State for all land which is acquired by FmHA at the request of the Governor of that State. Reimbursement terms will be outlined in a transfer agreement between the State and FmHA.

§1948.94 This section has been renumbered to § 1948.90. Comments were received requesting information concerning land transfers from public bodies to private individuals. A new § 1948.90(b) has been added to outline conditions under which land may be transferred from grantees to private individuals.

§ 1948.95 This section has been renumbered to § 1948.91.

§ 1948.96 This section has been renumbered to § 1948.92. Comments were received expressing confusion concerning who will be the approving officer for grants made under this program. FmHA has added a new section 1948.92(b) to clarify that the FmHA State Director of the appropriate State shall be the approving officer of all grants made under this program.

§ 1948.98 This section has been renumbered to § 1948.94. Based on comments received, a procedure has been added which describes reporting requirements for site acquisition and development projects.

§§ 1948.99–.101 These sections have been renumbered to §§ 1948.95–.97.

§ 1948.102 This section has been renumbered to § 1948.98.

FmHA has added new §§ 1948.60 and 1948.61 to provide for State establishment of procedures in addition to those required by these regulations. FmHA has added a new § 1948.93 to establish appeal procedures.

Therefore, as added Part 1948, Subpart B reads as follows:

Subchapter H—Program Regulations

PART 1948—RURAL DEVELOPMENT

Subpart B—Section 601—Energy Impacted Area Development Assistance Program

Sec.

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1948.59 Ineligible activities.
1948.60 Delegation and redelegation of authority.
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1948.63 Historic preservation requirements.
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1948.65 Relocation Act requirements.
1948.66 A–95 and other administrative requirements.
1948.67 Procedure for designation.
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1948.71 [Reserved]
1948.72 Industry reports.
1948.73 [Reserved]
1948.74–77 [Reserved]
1948.78 Growth management and housing planning projects.
1948.79 Application procedure for planning grants.
1948.80 Planning grant selection criteria.
1948.81 State Investment Strategy for Energy Impacted Areas.
1948.82 Plan and State Investment Strategy approval procedure.
1948.83 Performance of site development work.
1948.84 Application procedure for site development and acquisition grants.
1948.85 [Reserved]
1948.86 Site development and acquisition grant selection criteria.
1948.87 [Reserved]
1948.88 Direct land acquisition by FmHA.
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1948.90 Land transfers.
1948.91 Inspections of development.
1948.92 Grant approval and fund obligation.
1948.93 Appeal procedure.
1948.94 Reporting requirements.
1948.95 Grant monitoring.
1948.96 Audit requirements.
1948.97 Grant closing and fund disbursement.
1948.98 Grant agreements.
1948.99–100 [Reserved]

Exhibit A—Grant Agreement Growth Management and Housing Planning for Approved Designated Energy Impact Area.

Exhibit B—Grant Agreement (Public Bodies) for Site Development and/or Site Acquisition for Housing and/or Public Facilities and/or Services.

PART 1948—RURAL DEVELOPMENT

Subpart B—Section 601 Energy Impacted Area Development Assistance Program

§ 1948.51 General.

This Subpart sets forth policies and procedures for designation, approval of designation, and making grants for assistance to areas impacted by increased coal and uranium production, processing, or transportation. The Farmers Home Administration (FmHA) will fully consider all A–95 clearinghouse review comments and recommendations in selecting applications for funding.

§ 1948.52 Objectives.

The objective of the program is to help areas impacted by coal or uranium development activities by providing assistance for the development of growth management and housing plans and in developing and acquiring sites for housing and public facilities and services.

§ 1948.53 Definitions.

(a) *Approved designated area.* A group of counties, a county, or a part of

a county designated as an energy impacted area by the Governor of a State and approved by the Secretary of Energy.

(b) *Available financial resources.* All existing financial resources which could be used for impact assistance including Federal, State, and local financial resources and financial resources accruing to States and local governments as a result of coal or uranium development activity and not already committed to other programs by low or historical precedent.

(c) *Coal.* Coal means anthracite and bituminous coal, lignite, and any fuel derivative thereof.

(d) *Coal or uranium development activities.* The production, processing, or transportation of coal or uranium.

(1) Production includes the mining of coal or uranium and all mine site operations connected with such mining operations and processing activities. This includes construction activities on mine sites relating to mining, production, and processing.

(2) Processing includes all operations performed on coal or uranium including construction of processing plants. However, processing does not include conversion into electrical energy.

(3) Transportation which directly relates to the production and processing of coal or uranium including transportation networks in the county of origin of the coal or uranium and counties of processing of coal and uranium. This includes transportation depots along transportation networks that are used primarily for the transfer of coal or uranium for domestic consumption. This also includes unit train rolling stock construction and repair facilities.

(e) *Condemnation by U.S. Department of Agriculture (USDA).* The use of Federal authority by the Secretary of Agriculture to condemn real property.

(f) *Council of local governments.* An areawide development organization which includes one or more local governments servicing at least a portion of an approved designated area. Such organization must either have a policymaking body made up of a majority of local elected officials.

(g) *Eligible employment.* Full time work related to coal or uranium development activities.

(h) *Eligible employment facility.* A coal or uranium mine, processing plant, or transportation depot.

(i) *Energy impacted areas.* An area where coal and uranium development activities have a significant impact on the socio-economic structure of the area and which meet the criteria set out at § 1948.68 of this Subpart.

(j) *Fair market value.* The price at which a property will sell in the open market allowing a reasonable period of time for typical, fully-informed buyers and sellers to react, assuming that the purchaser and seller are both willing participants in the transaction.

(k) *Grantee.* An entity with whom FmHA has entered into a grant agreement under this program.

(l) *Growth management planning.* Planning for the orderly development of an approved designated area. This planning includes, but is not limited to: planning for provision of resources to support housing, public facility needs, sewer and water needs; planning for the provision of additional public services needed; overall plans for the coordinated development of all approved designated areas within a State; the development of State Investment Strategies for Energy Impacted Areas; and coordination of development of approved designated areas at the interstate level where impact is interstate in nature.

(m) *Housing planning.* Identification of present and future housing needs within an approved designated area and providing methods for developing needed housing. This planning includes, but is not limited to the identification of: housing sites; housing site development needs; data and resource needs; funding needs; acquisition methods; and agencies of government responsible for delivery of housing services.

(n) *Industry reports.* Those reports concerning production, expected production, and employment within an approved designated area which are requested by the Governor and submitted by a person to the Secretary of Energy.

(o) *Local government.* Any county, parish, city, town, township, village, or other general political subdivision of a State with the power to expend Federal, State, and local funds and exercise governmental powers. Local government may act through special authorities.

(p) *Person.* Any corporation, individual, partnership, company, association, firm, institution, society, trust, joint venture, or joint stock company, any State or any agency or instrumentality thereof.

(q) *Public facilities.* Installations open to the public and used for the public welfare. This includes but is not limited to: hospitals, clinics, firehouses, parks, recreation areas, sewer plants, water plants, community centers, libraries, city or town halls, jailhouses, courthouses, and schoolhouses.

(r) *Public services.* The provision to the public of services such as: health care, fire and police protection, recreation, etc.

(s) *Site.* A site is a plot of land which is suitable or can be made suitable for providing housing, public facilities, or services.

(t) *Site acquisition.* Obtaining legal title to a site (or sites) or obtaining leaseholds by an instrumentality of a State or local government, or by FmHA, for housing, public facilities, or services.

(u) *Site development.* Site restoration, necessary off-site improvements and such on-site improvements as the construction of sewerage collection and water distribution lines (does not include individual taps) and construction of access roads; but does not include the construction of houses or public facilities.

(v) *Site restoration.* On-site improvements to the real property (such as backfilling, compacting, grading and leveling) necessary for the construction of houses and public facilities.

(w) *State.* Any of the fifty States, Puerto Rico, and any territory or possession of the United States.

(x) *State Investment Strategy for Energy Impacted Areas.* The investment strategy for the development of approved designated areas within a State as proposed by the Governor and approved by FmHA.

(y) *Substandard housing.* All housing units which do not have complete plumbing fixtures, lack adequate heating systems, are not structurally sound, or contain any other conditions that would cause a safety, sanitary, or health hazard to the family or community.

§ 1948.54 Eligible applicants.

Organizations eligible for grants include local governments, councils of local government, and State governments.

§ 1948.55 Source of funds.

(a) Grants will be awarded from appropriate funds specifically allocated for this program.

(b) Grants made for growth management and housing planning may equal but will not exceed 10 percent of the total amount of funds appropriated for and allocated to this program.

§ 1948.56 Program purposes.

(a) FmHA will make grants for assistance to approved designated areas in accordance with criteria contained in this Subpart by providing assistance to fill gaps in growth management and housing planning, and to provide supplementary support for acquisition

and development of sites for housing and public facilities and services by States, local governments, and councils of local government.

(b) Efforts will be made to provide comprehensive assistance to approved designated areas through the coordination power of the Secretary of Agriculture by utilizing existing plans, State and local programs, and other Federal programs to the maximum extent possible. Particular attention will be given to the utilization of existing FmHA authorities under other FmHA programs in conjunction with this Subpart for providing assistance to approved designated areas in accordance with the Governor's approved State Investment Strategy for Energy Impacted Areas.

(c) Where existing plans are unsuitable or nonexistent, and other assistance programs are inadequate or unavailable on a timely basis, FmHA will provide assistance under this Subpart to States, councils of local governments, and local governments for the modification, updating, and/or development of growth management and/or housing plans to deal with problems resulting from coal or uranium development within approved designated areas according to the criteria contained in this Subpart.

(d) Where needed, FmHA will provide assistance for the development of sites and/or the acquisition of sites for housing and public facilities and services within approved designated areas according to the criteria contained in this Subpart. Such assistance for site development and acquisition will be made in accordance with FmHA approved plans and State Investment Strategies for Energy Impacted Areas in accordance with the criteria contained in the Subpart.

(e) At the request of the Governor of the appropriate State, FmHA will take action to acquire real property directly for sites for housing and/or public facilities and services in accordance with procedures set forth in this Subpart.

(f) At the request of the Governor of the appropriate State, where neither the State nor local government has power to do so for this purpose, FmHA may take action through condemnation to acquire real property for sites necessary for housing, public facilities, or services.

§ 1948.57 Eligible activities.

Grant Funds may be used for:

(a) The preparation of growth management and/or housing plans (or aspects thereof) for which financial resources are not available for approved designated areas as set forth in the grant agreement, including but limited to:

(1) One hundred percent of the total cost of developing growth management and/or housing plans.

(2) One hundred percent of the cost of developing aspects of growth management plans and/or housing plans including but not limited to:

(i) Sewer plans;

(ii) Water plans;

(iii) Recreation plans;

(iv) Transportation plans;

(v) Education plans; and

(vi) Subdivision plans.

(3) Payment of salaries of professional, technical, and clerical staff to carry out growth management and housing planning and evaluation;

(4) Payment of necessary reasonable office expenses such as office rental, office utilities, and office equipment rental;

(5) Purchase of office supplies;

(6) Payment of necessary reasonable administrative posts, such as workmen's compensation, liability insurance, and employer's share of social security and travel; and

(7) Payment of costs to undertake tests, make appraisals, and arrange for engineering/architectural services necessary for the planning activity.

(b) Up to 75 percent of the actual cost of developing or acquiring sites for housing, public facilities, or services for which financial resources are otherwise not available as set forth in the grant agreement, including but not limited to:

(1) Necessary grading and leveling;

(2) Sewer and water connections;

(3) Necessary water and sewer lines to housing and public facilities sites;

(4) Access roads to housing and public facilities sites;

(5) Restoring previously mined sites;

(6) Necessary engineering reports in connection with site development;

(7) Payment of costs to undertake tests, make appraisals, and engineering/architectural services necessary for the site development and/or site acquisition;

(8) Necessary legal fees involved in the transfer of the real property.

§ 1948.58 [Reserved]

§ 1948.59 Ineligible activities.

(a) Growth management and housing planning grant funds may not be used for:

(1) Acquisition, construction, repair, or rehabilitation of existing housing and public facilities;

(2) Replacement of, or substitution for, any financial support previously provided or assured from any other source which would result in a reduction of current efforts on the part of the applicant;

(3) Duplication of current services;

(4) Routine administrative activities not allowed under Federal Management Circular FMC 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

(5) Planning for areas other than approved designated areas;

(6) Planning other than growth management and housing planning; or

(7) Political activities.

(b) Grant funds for site development may not be used for:

(1) Construction, repair, or rehabilitation of housing and public facilities;

(2) Replacement of, or substitution for, any financial support previously provided or assured from any other source which would result in a reduction of effort on the part of the applicant;

(3) Administrative expenses not allowed under FMC 74-4;

(4) Purposes for which funding exists under other State or Federal programs that may reasonably be obtained on a timely basis by the applicants;

(5) Duplication of current services; or

(6) Political activities.

§ 1948.60 Delegation and redelegation of authority.

The FmHA State Director is responsible for implementing the authorities contained in this Subpart and may issue State supplements redelegating these authorities to appropriate FmHA employees.

§ 1948.61 State supplements and guides.

FmHA State Directors will obtain National Office clearance for all State supplements and guides in accordance with paragraph VIII of FmHA Instruction 021.2, (available in any FmHA office).

(a) *State supplements.* State Directors may supplement this Subpart as appropriate to meet State and local laws and regulations and to provide for orderly application processing and efficient service to applicants. State supplements shall not contain any requirements pertaining to designations, designation approval, or plan approvals more restrictive than those in this Subpart.

(b) *State guides.* State Directors may develop guides for use by applicants if the guides to this Subpart are not adequate. State Directors may prepare guides for: items needed for the application; items necessary for the docket; and items required prior to grant closing or construction starts.

§ 1948.62 Environmental impact requirements.

(a) The policies and regulations contained in Part 1901, Subpart G, of this Chapter apply to grants made and other actions under this program. Environmental Assessments and, if necessary, Environmental Impact Statements shall be prepared on all applications for assistance under this Subpart. Assessments and Statements shall be prepared to consider cumulative as well as site-specific effects.

(b) Subsequent to an energy impact area designation by the Governor and establishment of priorities, the FmHA State Director, in consultation with the Governor, shall define the geographic boundaries or otherwise delineate the areas which will be studied for environmental impacts.

(c) Boundaries shall define the area within which the environmental impacts of the proposed action can be reasonably studied. Proper delineation of impact areas will avoid duplication of effort by using one assessment or impact statement to study a broad area rather than numerous overlapping documents prepared for smaller projects.

§ 1948.63 Historic preservation requirements.

The policies and regulations contained in Part 1901, Subpart F, of this Chapter apply to this program.

§ 1948.64 Equal opportunity requirements.

The policies and regulations contained in Part 1901, Subpart E, of this Chapter apply to grants made under this program.

§ 1948.65 Relocation Act requirements.

The policies and regulations contained in Title 7, Subtitle A, Part 21 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) will apply to site development and acquisition grants and other actions under this program.

§ 1948.66 A-95 and other administrative requirements.

The policies and regulations contained in Chapter 4, Sections 4 and 5 of the USDA Administrative Regulations; Part 1901, Subparts H and J of this Chapter; Treasury Circular Number 1082, Revised; and OMB Circular A-95 apply to grants and other actions under this program.

§ 1948.67 Procedure for designation.

(a) Local governments may request the Governor of the State in which they are located to designate an area served by them as an energy impacted area.

(b) The Governor will define the geographic area of a designated area consistent with the nature of the impact and the socio-economic integration of the area.

(c) The Governor may designate an area as an energy impacted area based on the criteria contained in this Subpart.

§ 1948.68 Criteria for designation.

(a) An area designated by the Governor must have the following characteristics:

(1) During the most recent calendar year, the eligible employment in coal or uranium development activities within the area has increased by eight percent or more from the preceding year, or such employment (as projected by generally acceptable estimates) will increase by eight percent (of the eligible employment in the year of the designation) or more per year during each of the next three calendar years.

(2) Because of increased employment in coal or uranium development activities, a shortage of housing, inadequate public facilities, or services exists or will exist in the area. Such shortages or inadequacies may be demonstrated by: housing shortage statistics; higher occupancy rates of substandard houses than has historically occurred within the area; an increase (for which data or projected data is available) in eligible employment from the year of the designation of at least 100 workers or one-half of one percent of the designated area's population; or data showing that available public facilities and services in the area are below generally accepted standards due to the increased demand resulting from coal and uranium development activities.

(3) Available State and local financial resources are inadequate to meet the public need for housing or public facilities and services at present or in the next three years. In making this determination the Governor should consider the following:

(i) State revenue increases resulting from coal and uranium development activity based on existing tax laws;

(ii) Federal funds transferred to the State for impact assistance;

(iii) Local revenue increases resulting from coal or uranium development activities based on existing tax laws;

(iv) Other federal financial assistance to which the area may have access;

(v) All other available State and local sources of funding;

(vi) The time during which the resources will be available;

(vii) Existing laws committing increases in State and local revenues and Federal transfers to purposes other than impact assistance; and

(viii) The estimated cost of development based on the best available informed judgment.

(b) Designations submitted to the Secretary of Energy for approval must have the following attached:

(1) A list of all counties and parts of counties covered by the designation;

(2) If the area is smaller than a county, a map showing the boundary of the area and the approximate location of all eligible employment facilities in the area and nearby;

(3) A written justification for the inclusion of an area if the area is smaller than a county;

(4) The level of eligible employment within the designated area for each of the two most recent calendar years. This data should be obtained from a single source for the entire State, if possible; special surveys may be used when the Governor determines that these more accurately reflect employment conditions within the designated area, or in cases where data from other sources for the most recent calendar year is unavailable at the time of designation. Reference should be made to the data sources used if it is a Federal source; if a non-Federal sources is used, a copy of the source and a brief description of the procedures used for justification should be included. If projections of eligible employment are to be considered, projections of such employment for the next three years must be attached; identification of data sources and methodology used in developing those projections and a copy of any survey data used should be included.

(c) In areas where the impacted area covers counties or parts of counties located in more than one State, the Governors of the affected States may jointly designate such area and submit the designation to the Secretary of Energy for approval.

(d) After examining these factors and determining that the area meets the criteria of (a) above, the Governor may so certify in a letter bearing his or her signature and submit the letter of certification with all data and estimates upon which the designation is based to the Secretary of Energy for approval.

(e) Each designation submitted should have the name and phone number of a contact person in the Governor's designating office.

(f) An original and one copy of the designation should be submitted to the Secretary of Energy, Department of

Energy, Mail Stop 8G–031, Forrestal Building, Washington, D.C. 20585.

(g) Two copies of all designations submitted for approval shall be submitted to the appropriate FmHA State Director. The FmHA State Director shall forward one copy to the Office of Area Development Assistance in the FmHA National Office.

(h) The Governor should designate all areas expected to be considered in fiscal year 1979 allocations of funds before July 1, 1979.

§ 1948.69 [Reserved]

§ 1948.70 Designation approval.

Upon receipt of a request for approval of a designation made under this section, the Secretary of Energy shall:

(a) Determine to the best of his ability the consistency of the supporting data submitted along with the designation by the Governor;

(b) Confer with FmHA on approval;

(c) Notify the Governor and the Administrator of FmHA of action taken on each designation within 30 calendar days of the receipt of a request for approval;

(d) Consult with the Governor before the disapproval of any designation; and

(e) Publish a description in the Federal Register of all designated areas approved within 30 days of their approval.

§ 1948.71 [Reserved]

§ 1948.72 Industry reports.

Any person regularly engaged in any coal or uranium development activity within an area designated and approved in accordance with this Subpart, shall prepare and transmit a report to the Secretary of Energy, Department of Energy, Mail Stop 8G–031, Forrestal Building, Washington, D.C. 20585 within 90 days after a written request to such person by the Governor of the State in which such area is located.

(a) The report shall contain:

(1) Projected levels of employment in coal or uranium development activities within the approved designated area for the next three calendar years;

(2) The projected number of new jobs to be created in coal or uranium development activities by the person within the approved designated area in each of the following three calendar years;

(3) Current or planned actions of the person in relation to the provision of housing or public facilities for such person's employees in the next three calendar years;

(4) Contracts in force whereby the person intends to provide funds to State government, local governments, and public or private nonprofit organizations for the provision of housing or public facilities for such person's employees; and

(5) The projected quantity of coal or uranium to be produced, processed, or transported by the person in each of the next three years.

(b) The Governor requesting the report will notify the Secretary of Energy of persons from whom reports have been requested.

(c) The Secretary of Energy shall provide a copy of these reports to the Secretary of Agriculture, the appropriate Governor, and the appropriate county or local officials, and make it available for public inspection and copying in the public reading room of the Department of Energy, Room GA152, Forrestal Building, Washington, D.C. 20585.

§ 1948.73 [Reserved]

§ 1948.74–77 [Reserved]

§ 1948.78 Growth management and housing planning projects.

(a) Existing plans for growth management and housing may be used to meet the planning requirements of this Subpart.

(b) A reasonable effort should be made to modify existing plans for use in meeting the planning requirements of this section.

(c) The Governor shall be responsible for the coordination of planning within a State.

(d) The planning process developed with assistance under this section should begin at the local level and flow upward to the State.

(e) Planning processes developed with assistance under this section should have the maximum possible citizen involvement in the development of plans.

(f) Governors should give full consideration to local and substate priorities in the development of the State Investment Strategy for Energy Impacted Areas and submit the State Investment Strategy for Energy Impacted Areas for comment to appropriate A–95 clearinghouses.

(g) Plans developed with assistance under this section should be fully coordinated with other Federal, State, substate, and local planning activities affected by the project.

(h) To the greatest extent possible, planning projects should be coordinated with related planning and development activities presently carried out by the A–95 clearinghouse agency.

(i) Planning conducted by the State include effective management activities for coordinated development of approved designated areas through the plan implementation stage.

§ 1948.79 Application procedure for planning grants.

(a) Applicants may submit a preapplication for a planning grant upon designation of the area as an energy impacted area by the Governor. FmHA will not take final action on the preapplication until the designation has been approved by the Secretary of Energy.

(b) All applicants should notify the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A–95.

(c) Applicants shall file an original and one copy of Form AD–621, "Preapplication for Federal Assistance," with the appropriate FmHA office. A copy should also be filed with the Governor's office of the appropriate State. This form is available in all FmHA offices. Local governments and councils of local governments shall submit preapplications to the appropriate FmHA District Office. State governments shall apply to the appropriate FmHA State Office. The FmHA District Office will forward the preapplication with written comments within 10 working days to the appropriate State Office.

(d) All preapplications shall be accompanied by:

(1) Evidence of applicant's legal existence;

(2) Evidence of applicant's authority to prepare growth management and/or housing plans;

(3) A statement declaring that the planning neither duplicates nor conflicts with current activities;

(4) A complete original and one copy of Form FmHA 449–10, "Applicant's Environmental Impact Evaluation;"

(5) An original and one copy of Forms FmHA 400–1, "Equal Opportunity Agreement," and Form FmHA 400–4, "Nondiscrimination Agreement;" and

(6) A statement regarding other financial resources available to the area for this planning.

(e) District and State FmHA Offices receiving preapplications will:

(1) Determine if the area to be covered by this project is an "approved designated area" as defined in this Subpart;

(2) Comply with the environmental requirements set forth in this Subpart; and

(3) Prepare a Historic Preservation Assessment in accordance with Part 1901, Subpart F, of this Chpater.

(f) District FmHA Offices receiving preapplications will also provide written comments reflecting planning grant selection criteria listed in this Subpart.

(g) The FmHA District Office will forward the original of the preapplication and accompanying documents including those described in paragraphs (e)(1) through (e)(3) and (f) of this section to the appropriate FmHA State Director within 10 working days of receipt of the preapplication.

(h) Upon receipt of a preapplication, the FmHA State Office will:

(1) Review and evaluate the preapplication and accompanying documents;

(2) Consult with the Governor of the appropriate State concerning the Governor's priorities and recommended funding level for the project; and

(3) Respond to the applicant within 30 days of the date of receipt of the preapplication using Form AD–622, "Notice of Preapplication Review Action," indicating the action taken on the preapplication.

(i) Upon notification that the applicant is eligible to compete with other applicants for funding, a Form AD–623, "Application for Federal Assistance (Nonconstruction Programs)," may be submitted to the FmHA State Office by all applicants.

(j) The FmHA State Office will send evidence of the applicant's legal existence and authority to the USDA Regional Office of General Counsel (OGC) and request that a legal determination be made of the applicant's legal existence and authority to prepare growth management and/or housing plans in those cases where an application (AD–623) is requested.

(k) Upon receipt of an application on Form AD–623 by the FmHA State Office, a docket will be prepared which will include the following:

(1) Form AD–621;

(2) Form AD–622;

(3) A–95 Clearinghouse comments;

(4) Form AD–623;

(5) Evidence of the applicant's legal existence and authority to prepare growth management and/or housing plans;

(6) OGC legal determinations;

(7) Grant agreement and scope of work;

(8) Form FmHA 440–1, "Request for Obligation of Funds;"

(9) Form FmHA 400–1;

(10) Form FmHA 400–4;

(11) Form FmHA 449–10;

(12) Form FmHA 440–46, "Environmental Impact Assessment;"

(13) Historic Preservation Assessment;

(14) District, where appropriate, and State FmHA written comments, assessments, and analysis of the proposed projects in accordance with the grant selection criteria; and

(15) All certificates and statements accompanying the pre-application and/or application.

§ 1948.80 Planning grant selection criteria.

The following criteria will be used in the selection of planning grant recipients:

(a) Planning assistance which could be used for the purpose of the proposed planning process is not available from other sources on a timely basis (Mandatory);

(b) The increase in the number of new employees and the percentage of increase in employment in coal and/or uranium development activities in the year of designation within the approved designated area (years projected will be averaged and treated equally);

(c) The need for planning in relation to the financial resources available for such planning;

(d) The planning priorities and recommended funding level of the Governor(s) of the appropriate State(s);

(e) The appropriateness of the proposed planning activity for meeting the planning needs of the area, including but not limited to the building of planning capacity and the local priority for the project;

(f) The inadequacy of existing plans for mitigating the effects of coal and/or uranium development activities; and

(g) The nature of comments and recommendation from the A–95 clearinghouse(s).

§ 1948.81 State Investment Strategy for Energy Impacted Areas.

(a) The State Investment Strategy for Energy Impacted Areas should be a dynamic document updated as each plan or group of plans is submitted to FmHA for approval.

(b) The Governor shall consult with the FmHA State Director when developing or updating a State Investment Strategy for Energy Impacted Areas.

(c) The State Investment Strategy for Energy Impacted Areas will include but is not limited to:

(1) A list of projects in order of priority;

(2) The Governor's recommended level of and method of funding for each project through completion of the project identified in the plans submitted and incorporated into the State Investment Strategy for Energy Impacted Areas;

(3) Methods of coordinating assistance with other State and Federal development programs;

(4) The differential between available financial resources and the cost of needed site development and acquisition for housing and public facilities and services within the area covered by the State Investment Strategy for Energy Impacted Areas;

(5) References to plan and page number of plan on which each priority project is described.

(d) The State Investment Strategy for Energy Impacted Areas having projects expected to be funded in FY 1979 should be submitted to the FmHA State Director of the appropriate State before July 15, 1979. A copy should also be forwarded to the Administrator, FmHA.

§ 1948.82 Plan and State Investment Strategy approval procedure.

(a) Any plan submitted for FmHA approval, whether it is a plan developed with assistance under this section, an existing plan, or a modified plan, should contain:

(1) The present level of coal or uranium production, processing, or transportation within the approved designated area covered by the plan;

(2) The anticipated level of coal or uranium production, processing, or transportation in each of the next three calendar years within the area covered by the plan;

(3) A brief description of the socio-economic impacts that have occurred during the two most recent calendar years in the approved designated area covered by the plan;

(4) A brief description of the socio-economic impacts that are expected to occur in the approved designated area covered by the plan within each of the next three calendar years;

(5) The anticipated number of new employees expected to be hired in coal or uranium development activities in each of the next three years within the approved designated area covered by the plan;

(6) Available financial resources and federal programs that may be applied to meeting the needs of the approved designated area including but not limited to the following:

(i) The expected amount of State assistance and State expenditures in the approved designated area covered by the plan which will be used for impact assistance in the next three years;

(ii) The amount of tax revenues expected to accrue to local governments serving the approved designated area covered by the plan in each of the next three years due to increased economic

activities which have occurred since the year prior to designation or are expected to occur as a result of coal and uranium development activity;

(iii) Sources and amount of assistance State and local governments are now receiving or are expected to receive from persons for the provision of housing and public facility and services; and

(iv) Existing budget surplus at the State and local level.

(7) The specific needs of the area covered by the plan as to the number of housing units now needed and the number that are expected to be needed in each of the next three years, and/or the number and type of public facilities and services now needed or expected to be needed in the next three years;

(8) The type and quantity of real property now needed or expected to be needed in the next three years for the construction of public facilities and/or housing and/or in the provisions of public services;

(9) Proposed method of acquisition for each site to be acquired by the State or local governments; and

(10) An estimate of assistance that will be necessary under this section and/or other FmHA or Federal programs for the development of the site.

(b) All plans meeting the criteria in paragraph (a) of this section should be forwarded to the Governor of the appropriate State or States for possible incorporation into the State Investment Strategy for Energy Impacted Areas.

(c) Appropriate growth management and/or housing plans received by the Governor under this section may be submitted to the appropriate FmHA State Office by the Governor.

(d) The Governor shall submit a copy of the State Investment Strategy for Energy Impacted Areas along with all plans the Governor is submitting to FmHA for approval.

(e) During fiscal year 1979 the Governor may submit existing plans to FmHA for qualified approval in which some sections under paragraph (a) above are incomplete, provided that planning is presently being done to fill these gaps, or application for a planning grant has been submitted or is to be submitted to cover the cost of the needed planning. These plans must be resubmitted for final approval on or before December 31, 1980. No requested grant will be approved for land acquisition or site development unless the request is cited in the FmHA-approved comprehensive growth management plan for the designated area in which the project is located.

(f) The FmHA State Director shall review all plans and the State Investment Strategy for Energy Impacted Areas and provide comments on the following:

(1) Appropriateness of FmHA assistance under this section as called for in the plans;

(2) Appropriateness of FmHA assistance under other programs as called for in the plans;

(3) Appropriateness of the State Investment Strategy for Energy Impacted Areas;

(4) Other Federal programs which could be used instead of, or in addition to, assistance under this section; and

(5) Recommended action.

(g) The FmHA State Director shall submit all plans received from the Governor, the State Investment Strategy Energy Impacted Areas, and any comments to the FmHA National Office for approval within 10 days of the submission of plans and the State Investment Strategies for Energy Impacted Areas to the State Director.

(h) The FmHA National Office shall review all plans and State Investment Strategy for Energy Impacted Areas received and approve or return them for modification within 30 days of their receipt in the FmHA National Office.

(i) The FmHA National Office shall notify the appropriate State Director of all plans that have been approved by the Administrator.

(j) Upon approval of the plans and State Investment Strategies for Energy Impacted Areas by the Administrator, FmHA, the FmHA State Director may exercise the authority of the Secretary of Agriculture under Section 603 of the Rural Development Act of 1972 to convene a meeting of the appropriate representatives of all Federal and State agencies which are requested to supply development funds by the State Investment Strategy for Energy Impacted Areas for the purpose of obtaining tentative funding commitments consistent with their authorities.

(k) The FmHA State Office shall notify the Governor and the appropriate District Directors of all plans approved by the Administrator, FmHA.

(l) Modifications to approved plans shall be approved by the Administrator of FmHA following the above procedure.

(m) The Governor's modification to the State Investment Strategy for Energy Impacted Areas may be approved by the FmHA State Director provided the modification is consistent with FmHA approved plans.

§ 1948.83 Performance of site development work.

Site development work will be done in accordance with § 1942.18 of FmHA Instruction 1942-A.

§ 1948.84 Application procedure for site development and acquisition grants.

(a) For those projects for which Federal funding is sought in excess of $100,000 the applicant shall file Form AD-621 with the appropriate FmHA office. For those projects for which Federal funding is sought for less than $100,000, the applicant shall file Form AD-624, "Application for Federal Assistance (For Construction Programs)," with the appropriate FmHA office. A copy should also be filed with the Governor's office of the appropriate State.

(b) The FmHA office receiving a Form AD-621 shall reply to the applicant with-in 45 calendar days regarding the applicant's eligibility to compete for funding under this program using Form AD-622. (FmHA District offices will send each preapplication to the FmHA State Offices for review before replying to the applicant. FmHA District offices will send a copy of Form AD-622 to the FmHA State Office at the time the AD-622 is sent to the applicant.)

(c) All applicants should notify the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A-95.

(d) Applicants shall file an original and one copy of Form AD-624, with the appropriate FmHA office. Local governments and councils of local government shall submit applications to the FmHA District Office and State governments to the FmHA State Office. Applications shall include:

(1) Evidence of applicant's legal existence and authority to undertake the proposed project;

(2) Evidence of ownership of or lease on a site to be developed or "Options to Purchase Real Property," Form FmHA 440-34, (Lease on a site for a public facility will be in accordance with FmHA Instruction 1942-A and lease on a site for housing will be in accordance with Part 1822 Subpart A (FmHA Instruction 444.1));

(3) Description of project and relationship to approved growth management and housing plan. Applicant must cite pages and section of the approved plan;

(4) A plat of the area including elevations;

(5) Preliminary plans and specifications on proposed development which will contain an estimate of the projected cost of site development

prepared by independent qualified appraisers or architects/engineers;

(6) The amount of Federal grant needed;

(7) The amount and source of applicant's financial contribution to the project;

(8) An original and one copy of Form FmHA 449–10;

(9) An original and one copy of Forms FmHA 400–1 and Form FmHA 400–4;

(10) Evidence that the land is stable if the land has been previously mined (include relevant data on soil and analysis);

(11) Evidence that the site will comply with Executive Order 11988, "Flood Plain Management," and Executive Order 11990 "Protection of Wetlands;" and

(12) Assurance that the requirements set forth in Title 7, Subtitle A, Part 21 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) have been met.

(e) District and State FmHA Offices receiving applications shall:

(1) Determine if the project is in accordance with a FmHA approved growth management and/or housing plan covering the approved designated area;

(2) Comply with environmental requirements set forth in this Subpart;

(3) Prepare a Historic Preservation Assessment in accordance with Part 1901, Subpart F, of this Chapter;

(4) Determine site stability if the land has been previously mined; and

(5) Determine that all sites for public facilities and/or housing will comply with Executive Orders 11988, "Flood Plain Management" and 11990, "Protection of Wetlands."

(f) District FmHA Offices receiving applications shall also provide written comments reflecting site development and acquisition grant selection criteria (§ 1948.86) listed in this Subpart.

(g) The FmHA District Office shall forward the original of the application and accompanying documents including those required in paragraph (e) of this section to the FmHA State Director within 10 working days of receipt of the application.

(h) Upon receipt of an application, the FmHA State Office shall:

(1) Review and evaluate the application and accompanying documents;

(2) Determine that the project is a part of and consistent with the State Investment Strategy for Energy Impacted Areas;

(3) Send a copy of the applicant's evidence of legal existence and authority to the USDA Regional OGC for review;

(4) If applicant is local government(s), consult with the Governor on funding recommendation of the project; and

(5) Respond to the applicant within 30 days of the date of receipt of the application.

(i) Upon receipt of an application by the FmHA State Office, a docket shall be prepared which shall include the following:

(1) Application Form AD–624 and enclosures;

(2) A–95 clearinghouse comments;

(3) Evidence of ownership or lease of site to be developed;

(4) Evidence of applicant's legal existence and authority;

(5) OGC legal determination;

(6) Preliminary plans and specifications concerning the proposed development;

(7) Grant agreement and scope of work;

(8) An estimate of projected cost of site development prepared by independent qualified appraisers or engineers/architects;

(9) A topographical map of the area;

(10) Form FmHA 440–1;

(11) Form FmHA 400–1;

(12) Form FmHA 400;

(13) Form FmHA 449–10–4;

(14) Form FmHA 440–46;

(15) Historic Preservation Assessment;

(16) A copy of the State Investment for Energy Areas; and

(17) District, where appropriate, and State FmHA written comments, assessments and analysis of the proposed project in accordance with the grant selection criteria.

§ 1948.85 [Reserved]

§ 1948.86 Site development and acquisition grant selection criteria.

The following criteria will be considered in the selection of site development and/or acquisition grant recipients:

(a) *Required criteria.* Each project must meet the following criteria:

(1) The area is covered by a FmHA approved plan;

(2) The FmHA approved plan specifically calls for the site development and/or acquisition;

(3) Other Federal funds that the community could receive for the project are inadequate or not available, and no State or local funds for site development are available to permit development on a timely basis;

(4) The site is to be developed and/or acquired and is to be used for housing, public facilities, or services;

(5) The applicant has title to the site, lease on site, or an option on the site and funds to purchase the site, or is applying for site acquisition funds;

(6) The site will comply with Executive Orders 11988, "Flood Plain Management" and 11990, "Protection of Wetlands;"

(7) An appraisal of the fair market value of the site must have been completed;

(8) Priority has been given in the selection of site to unoccupied or previously mined land;

(9) Class I or Class II farm land was included in the site only if other suitable land was not available;

(10) The land is stable if previously mined; and

(11) Assurance that the requirements set forth in Title 7, Subtitle A, Part 21 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) have been met.

(b) *Competitive criteria.* The following criteria will be considered in the selection of grantees:

(1) Priority assigned and recommended funding level by the Governor in the State Investment Strategy for Energy Impacted Areas;

(2) The increase in the number of new employees and the percentage of increase in employment in coal and/or uranium development activities in the year of designation within the approved designated area (years projected will be averaged and treated equally);

(3) The severity of need for housing, public facilities, services that has resulted from coal or uranium development activities in relation to available financial resources within the approved designated area covered by the plan calling for the project;

(4) Local priority for the project;

(5) The amount of effort by State and local government to meet the needs of the area covered by the application as called for in the State Investment Strategy for Energy Impacted Areas in relation to available financial resources;

(6) An assessment of the environmental impacts of the project; and

(7) The nature of comments and recommendations of A–95 clearinghouse(s).

§ 1948.87 [Reserved]

§ 1948.88 Direct land acquisition by FmHA.

(a) FmHA may take action to acquire real property directly upon the written request of the Governor of the State in which the real property is located.

FmHA will not acquire real property directly under this section without such a request.

(b) All requests for direct land acquisition should be submitted to the FmHA State Director. The following conditions must be met prior to the submission of a request for direct acquisition by FmHA:

(1) The State or local government serving the area must lack power to condemn land of this type for this purpose and must supply an opinion by the State Attorney General that this authority is lacking;

(2) The real property is to be used as a site for needed housing, public facilities, or services;

(3) The site acquisition is called for in a FmHA approved plan;

(4) The site is specifically identified by a FmHA approved plan;

(5) State and local governments have been unable to obtain the real property for a price which does not substantially exceed its fair market value; and suitable alternate sites are not available;

(6) The land is not Indian Trust land;

(7) The land is not U.S. Forest Service land; and

(8) There is legal authority to undertake the proposed project.

(c) FmHA may acquire Federal real property not prohibited in paragraphs (b) (6) and (7) of this section for purposes contained in this Subpart. Farm land (Class I and II) will not be considered unless there is no other suitable land available.

(d) If the State Director determines that no other suitable real property exists that can be obtained at a price which does not substantially exceed its fair market value, and if the appropriate State or local government lacks condemnation authority as evidenced by opinion from the Attorney General, and there is authority to undertake the proposed project, then the State Director shall follow the procedures set out in Title 7, Subtitle A, Part 21 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) and immediately open negotiations to directly acquire the real property through purchase or trade.

(e) The FmHA State Director may acquire real property by purchase to trade for other real property when FmHA has been requested to acquire real property by the Governor of the State in which the real property is located.

(f) The Governor shall submit, with this request, a commitment from the State to acquire real property, together with a plan of compensation to FmHA and evidence of the State's legal authority to enter into this agreement with FmHA to accept the real property and repay FmHA for the fair market value of the real property for the intended purpose.

(g) Real property acquired by FmHA shall be transferred to the State requesting by a quitclaim deed for a price equal to the fair market value in accordance with the terms of a transfer agreement.

(h) After obtaining title to the real property and prior to transfer to the State, the property shall be managed by FmHA in accordance with Part 1955, Subpart B of this Chapter.

(i) The State Director shall inform the Governor that FmHA real property acquisition is not likely to occur by purchase or trade if negotiations have failed to produce acceptable results within 90 days of the request for FmHA acquisition of real property.

§ 1948.89 Land condemnation by FmHA.

(a) If FmHA attempts to acquire real property at the request of a Governor through purchase or trade and is unable to do so, FmHA may take action to condemn the real property by the following procedures:

(1) A request for condemnation shall be submitted by the FmHA State Director to the Administrator, FmHA, Washington, D.C. 20250 at the request of the Governor of the appropriate State. A copy of the Governor's request for FmHA real property condemnation and the State Attorney General's opinion that State and local government condemnation authority is lacking shall be attached to the FmHA State Director's request.

(2) The Administrator shall forward all requests for Federal condemnation to the OGC, USDA with a recommendation for action.

(3) The Administrator, FmHA shall inform the Governor of any action on the request for condemnation.

(4) Real property condemned by FmHA shall be transferred to the requesting State by a quitclaim Deed for a price equal to the fair market value of the real property in accordance with terms of a negotiated real property transfer agreement.

(5) After obtaining title to real property and prior to transfer to the State, the property shall be managed by FmHA in accordance with Part 1955, Subpart B of this Chapter.

(b) FmHA may not condemn Indian Trust Land or U.S. Forest Service Land.

§ 1948.90 Land transfers.

(a) Transfers of real property acquired by FmHA.

(1) A request for FmHA acquisition of real property by a Governor of a State constitutes an agreement by that State to receive said real property and to reimburse FmHA for the fair market value of said real property for the intended use.

(2) Terms and conditions, including reimbursement terms, for real property transfers shall be set forth in a Real Property Transfer Agreement between the Administrator, FmHA and the appropriate Governor. These terms and conditions will be agreed upon by FmHA and the State prior to FmHA attempting to acquire the property. These agreements shall be prepared after consulting with OGC, and forwarded for prior approval by the FmHA National Office.

(3) All funds from real property transfers received by FmHA shall be deposited in the U.S. Treasury.

(b) Transfer of real property acquired and/or developed with grant funds from a grant made under this Subpart to a person.

(1) Real property acquired and/or developed under this Subpart may be transferred to a person for the purposes of construction of privately-owned housing.

(2) All transfers of real property to a person must be approved by the FmHA State Director of the appropriate State.

(3) Transfer of real property by a recipient of assistance under this Subpart to a person must be by contract which assures FmHA that the real property will be used for the purposes under which the grant was made and all financial benefits of the grant will be passed on to the residents of housing constructed or sites acquired or developed under this Subpart.

§ 1948.91 Inspections of development.

Inspections will be made by the FmHA State Engineer or other employee designated by the FmHA State Director to ascertain whether site development is proceeding in accordance with plans and specifications. Such inspections are solely for the benefit of the Government and not for the benefit of the Grantee or any other person.

§ 1948.92 Grant approval and fund obligation.

(a) The FmHA State Office shall review the docket to determine whether the proposed grant complies with this Subpart and that funds are available.

(b) The FmHA State Director shall be the approving officer on all grants made under this Subpart.

(c) If at any time prior to grant approval it is decided that favorable action will not be taken on a preapplication or application, the FmHA State Director will notify the applicant in writing of the reasons why the request was not favorably considered. The notification to the applicant will state that a review of this decision by FmHA may be requested by the applicant in accordance with FmHA Instruction 1900-B.

(d) If a grant is recommended, Form FmHA 440-1 and the proposed grant agreement and scope of work will be prepared and forwarded to the applicant for signature.

(e) When Form FmHA 440-1 and the grant agreement and scope of work are received by the applicant, the applicant will sign these documents and forward them to the State Director.

(f) Form FmHA 071-1, "Project Information Card," will be prepared by the State Director and sent to the Director of Information, Farmers Home Administration.

(g) If the State Director approves the project, the following actions will be taken in the order listed:

(1) The State Director, or a designee, will telephone the Finance Office requesting that grant funds for a particular project be obligated. Immediately after contacting the Finance Office, the requesting official shall furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request of obligation. After the security code is furnished, the required information from Form FmHA 440-1 shall be furnished to the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office shall record all information necessary to process the request for obligation in addition to the date and time of request.

(2) The individual making the request shall record the date and time of the request.

(3) The Finance Office will notify the FmHA State Office by telephone when funds are reserved and the date the funds will be obligated. If funds cannot be reserved for a project, the Finance Office will notify the FmHA State Office that funds are not available. The obligation date will be six working days from the date the request for obligation is processed.

(4) The Finance Office will send Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request," to the FmHA State Director, informing the State Director of the reservation of funds with the obligation date inserted as required by Item 9 on the Forms Manual Insert (FMI) for Form FmHA 440-57.

(5) Form FmHA 440-1 will not be mailed to the Finance Office.

(6) A copy of Form FmHA 440-1 will be sent the FmHA National Office.

(7) The State Director shall notify the Director of Information in the FmHA National Office with a recommendation that the project announcement be released.

(8) An executed copy of Form FmHA 440-1 shall be sent to the applicant along with an executed copy of the grant agreement and scope of work on or before the date funds are obligated.

(9) The actual date of applicant notification will be entered on the original of Form FmHA 440-1 and the original of the form will be included as a permanent part of the file.

(10) For planning grants, Standard Form 270, "Request for Advance or Reimbursement," will be sent to the applicant for completion and return to FmHA. For site acquisition and site development grants, Standard Form 271, "Outlay Report and Request for Reimbursement for Construction Programs," will be sent to the applicant for completion and returned to FmHA.

(11) If it is determined that a project will not be funded or if major changes in the scope of the project are made after release of the approval announcement, the FmHA State Director will notify the Director of Information by telephone giving the reasons for such action. The Director of Information will inform all parties who were notified by the project announcement that the project will not be funded or of major changes in the project using a procedure similar to the announcement process. Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," will not be submitted to the Finance Office until five working days after notifying the Director of Information.

(12) Upon receipt of a properly completed SF 270 or SF 271, the appropriate check request information will be telephoned to the Finance Office.

§ 1948.93 Appeal procedure.

Any grantee or applicant for FmHA assistance under this Subpart who has been directly and adversely affected by an administrative decision by FmHA may appeal such decision in accordance with FmHA Instruction 1900-B.

§ 1948.94 Reporting requirements.

(a) For planning grants, SF-270 shall be submitted by grantees on an as-needed basis but not more frequently that once every 30 days. SF-269, "Financial Status Report," and a project performance activity report will be required of all grantees on a quarterly basis. SF-269 and a final project performance report will also be required. These final reports may serve as the last quarterly reports. Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. All grantees except States should submit an original of each report and one copy to the appropriate FmHA District Office. When the grantee is a State, an original should be submitted to the appropriate FmHA State Office. The project performance reports shall include, but need not be limited to the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Reasons why established objectives were not met;

(3) Problems, delays, or adverse conditions which will materially affect attainment of planned project objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Federal assistance needed to resolve the situation; and

(4) Objectives established for the next reporting period.

(b) For site development and land acquisition grants, grantees shall submit Form SF-271 for payment of site development costs. Multiple advances will be made in accordance with FmHA Instruction 402.1 (available in any FmHA office) and will be made as needed to cover required disbursements for not less than 30 day periods. Advances will be requested for the next 30 day period by the grantee on Form SF-272, "Report of Federal Cash Transactions." Each payment estimate must be approved by the grantee. A final Form SF-272 will be submitted to FmHA to include the final advance not later than 90 days after the final advance.

§ 1948.95 Grant monitoring.

Each grant will be monitored by FmHA to ensure that the Grantee is complying with the terms of the grant

and that the project activities are completed as approved. This will involve on-site visits to the project area and review of quarterly and final reports by FmHA.

§ 1948.96 Audit requirements.

(a) Audit requirements for Site Development and Acquisition Grants will be made in accordance with FmHA Instruction 1942–G.

(b) Audits for planning grants made in accordance with State statutes or regulatory agencies will be acceptable provided they are prepared in sufficient detail to permit FmHA to determine that grant funds have been used in compliance with the proposal, any applicable laws and regulations, and the grant agreement. A copy of the audit shall be submitted to the State Director as soon as possible but in no case later than 90 days following the period covered by the grant.

§ 1948.97 Grant closing and fund disbursement.

Grant closing and fund disbursement will be accomplished in accordance with FmHA Instruction 1942–G.

§ 1948.98 Grant agreements.

The following Grant Agreements are a part of this regulation.

(a) Exhibit A of this Subpart is a Grant Agreement for Growth Management and Housing Planning Grants for approved Designated Energy Impacted Areas.

(b) Exhibit B of this Subpart is a Grant Agreement for Site Development and/or Site Acquisition for Housing and/or Public Facilities and/or Services.

§§ 1948.99–1948.100 [Reserved]

Exhibit A—Grant Agreement

Growth Management and Housing Planning for Approved Designated Energy Impacted Areas

This Agreement is between

(Name), _____
(Address),(Grantee) and the United States of American acting through the Farmers Home Administration (Grantor or FmHA). Grantee has determined to undertake certain growth management and housing planning for energy impacted areas at an estimated cost of $_____ and has duly authorized such planning. The Grantor agrees to grant to Grantee a sum not to exceed $_____ subject to the terms and conditions established by the Grantor; provided, however, that any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 601 of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95–620) for the purpose only of defraying the planning costs as permitted by applicable Farmers Home Administration regulations: _____

Part A

Grantor and Grantee agree:

1. This agreement shall be effective when executed by both parties.

2. The scope of work set out below shall be completed prior to_____.

3. (a) Use of grant funds for travel which is determined as being necessary to the program for which the grant is established may be subject to the travel policies of the Grantee institution if they are uniformly applied regardless of the source of funds in determining the amounts and types of reimbursable travel expenses of Grantee staff and consultants. Where the Grantee institution does not have such specific policies uniformly applied, the Federal Travel Regulations shall apply in determining the amount charged to the grant. Grantee may purchase furniture and office equipment only if specifically approved in the scope of work. Approval will be given only when Grantee demonstrates that purchase is necessary and would result in less cost to the Government in providing Federal-share funds or to the Grantee in providing its contributions. Commercial purchase under these circumstances will be approved only after consideration of Federal supply sources.

(b) Expenses and Purchases Excluded:

(i) In no event shall the Grantee expend or request reimbursement from Federal-share funds for obligations entered into or for costs incurred or accrued prior to the effective date of this grant.

(ii) Funds budgeted under this grant may not be used for entertainment expenses.

(iii) Funds budgeted under this grant may not be used to pay for capital assets, the purchase of real estate or vehicles, improvement and renovation of space, and repair and maintenance of privately-owned vehicles.

(c) Grant funds shall not be used to replace any financial support previously provided or assured from any other source. The Grantee agrees that the general level of expenditure by the Grantee for the benefit of program area and/or program covered by this agreement shall be maintained and not reduced as a result of the Federal share funds received under this grant.

4. (a) In accordance with Treasury Circular 1075, grant funds will be disbursed by the FmHA as cash advances on an as-needed basis not to exceed one advance every 30 days. The financial management system of the recipient organization shall provide for effective control over and accountability for all Federal funds as stated in OMB Circular A–102 revised for State and local governments.

(b) Cash advances to the Grantee shall be limited to the minimum amounts needed and shall be timed to be in accord only with the actual, immediate cash requirements of the Grantee in carrying-out the purpose of the planning project.

(c) The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program costs.

(d) Federal funds should be promptly refunded to the FmHA and redrawn when needed if the funds are erroneously drawn in excess of immediate disbursement needs. The only exceptions to the requirement for prompt refunding are when the funds involved:

(i) Will be disbursed by the recipient organization within seven calendar days, or

(ii) Are less than $10,000 and will be disbursed within 30 calendar days.

(e) Grantee shall provide satisfactory evidence to FmHA that all officers of Grantee organization authorized to receive and/or disburse Federal funds are covered by such bonding and/or insurance requirements as are normally required by the Grantee.

(f) Grant funds will be placed in a bank account(s). If for any reason grant funds are invested, income earned on such investment shall be identified as interest income on grant funds and forwarded to the Finance Office, FmHA, St. Louis, Missouri, unless the Grantee is a State. "State" includes instrumentalities of a State but not political subdivisions of a State. A State Grantee is not accountable for interest earned on grant funds.

5. The Grantee will submit Performance and Financial reports as indicated below:

(a) As needed, but not more frequently than once every 30 days, an original and 2 copies of Standard Form 270, "Request for Advance or Reimbursement;"

(b) Quarterly, an original and 2 copies of Standard Form 269, "Financial Status Report," and a Project Performance report according to the schedule below:

Period Date due

(c) Final, an original and 2 copies of Standard Form 269, "Financial Status Report," and a Project Performance report according to the schedule below:

Period Date due

Note.—Final reports may serve as the last quarterly reports.

(d) The Project Performance reports shall include but need not be limited to the following:

(i) A comparison of actual accomplishment to the objectives established for that period;

(ii) Reasons why established objectives were not met;

(iii) Problems, delays, or adverse conditions which will materially affect attainment of planned project objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of project work elements during established time periods. This disclosure shall be accompanied by a Statement of the action taken or comtemplated and any Federal assistance needed to resolve the situation; and

(iv) Objectives established for the next reporting period.

(e) All Grantees except States shall submit an original of each report and one copy to the appropriate FmHA District Office. A State

Grantee shall submit original reports to the appropriate FmHA State Office.

(f) The plan(s) developed under this grant shall be submitted to the appropriate Governor for incorporation into the State Investment Strategy for Energy Impacted Areas. The Governor will submit the plan and the State Investment Strategy to the appropriate FmHA State Office(s). The FmHA State Office will forward the plan and State Investment Strategy to the FmHA National Office for approval of the plan.

6. The Budget covered by this agreement is:

Budget categories	Federal funds	Non-Federal share		Total
		Cash	In-kind	
Direct Charges:				
1. Personnel	$			
2. Fringe Benefits				
3. Travel				
4. Equipment				
5. Supplies				
6. Contractual				
7. Others				
Total Direct Charges				
8. Indirect Charges				
Total				

(a) In accordance with FMC 74-4, Attachment B, compensation for employees will be considered reasonable to the extent that such compensation is consistent with that paid for similar work in other activities of the State or local government.

(b) In accordance with OMB Circular A-102, Attachment K, transfers among direct cost budget categories of more than 5 percent of the total budget must have prior written approval by the State Director, Farmers Home Administration.

7. (a) The scope of work is described in the attached exhibit 1. The Grantee accepts responsibility for establishing a development process which will improve local conditions and alleviate problems associated with increased coal or uranium production in the Grantee areas. The Grantee shall:

(i) Develop a growth management and housing plan for assistance to approved designated area(s) impacted by increased coal or uranium production.

(ii) Contribute to development of a State Investment Strategy for Energy Impacted Areas.

(iii) Endeavor to coordinate and provide liaison with State development organizations, where they exist.

(iv) Provide continuing information to FmHA on the status of Grantee programs, projects, related activities, and problems.

(b) The Grantee shall inform the Grantor as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which materially affect the ability to attain program objectives, prevent the meeting of time schedules or goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated, and any Grantor assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

Part B

Grantee agrees:

1. To comply with property management standards established by Attachment N of OMB Circular A-102 for expendable and nonexpendable personal property "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence, such as patents, inventions, and copyrights. "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A Grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above. "Expendable personal property" refers to all tangible personal property other than nonexpendable property. When nonexpendable tangible property is acquired by a Grantee with project funds, title shall not be taken by the Federal Government but shall vest in the Grantee subject to the following conditions:

(a) Right to transfer title. For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more, FmHA may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(1) The property shall be appropriately identified in the grant or otherwise made known to the Grantee in writing.

(2) FmHA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If FmHA fails to issue disposition instructions within the 120 calendar day period, the Grantee shall apply the standards of paragraph (4) below.

(3) When FmHA exercises its right to take title, the personal property shall be subject to the provisions for federally owned nonexpendable property discussed in paragraph (4), below.

(4) When title is transferred either to the Federal Government or to a third party and the Grantee is instructed to ship the property elsewhere, the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(b) Use of other nontangible expendable property for which the Grantee has title.

(1) The Grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When it is no longer needed for the original project or program, the Grantee shall use the property in connection with its other Federally sponsored activities, in the following order of priority:

(a) Activities sponsored by FmHA.

(b) Activities sponsored by other Federal agencies.

(2) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the Grantee shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by FmHA; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissable if authorized by FmHA. User charges should be considered if appropriate.

(c) Disposition of other nonexpendable property. When the Grantee no longer needs the property as provided in 1(a)(4) above, the property may be used for other activities in accordance with the following standards:

(1) Nonexpendable property with a unit acquisition cost of less than $1,000. The Grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(2) Nonexpendable personal property with a unit acquisition cost of $1,000 or more. The Grantee may retain the property for other use provided that compensation is made to FmHA or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the Grantee has no need for the property and the property has further use value, the

Grantee shall request disposition instructions from the original Grantor agency.

FmHA shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by FmHA to determine whether a requirement for the property exists in other Federal agencies. FmHA shall issue instructions to the Grantee no later than 120 days after the Grantee request and the following procedures shall govern:

(a) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the property and reimburse FmHA an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(b) If the Grantee is instructed to dispose of the property other than as described in (1)(a)(4) above, the Grantee shall be reimbursed by FmHA for such costs incurred in its disposition.

(c) Property management standards for nonexpendable property. The Grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include:

(a) A description of the property.

(b) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(c) Sources of the property including grant or other agreement number.

(d) Whether title vests in the Grantee or the Federal Government.

(e) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(f) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government.)

(g) Location, use and condition of the property and the date the information was reported.

(h) Unit acquisition cost.

(i) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a Grantee compensates the Federal agency for its share.

(2) Property owned by the Federal Government must be marked to indicate Federal ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The Grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the Grantee shall promptly notify FmHA.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the Grantee is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(7) Expendable personal property shall vest in the Grantee upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant and if the property is not needed for any other Federally sponsored project or program, the Grantee shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

2. To provide Financial Management Systems which will include:

(a) Accurate, current, and complete disclosure of the financial results of each grant. Financial Reporting will be on an accrual basis.

(b) Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantee shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Accounting records supported by source documentation.

(e) Provide an audit report prepared in sufficient detail to allow Grantor to determine that funds have been used in compliance with the proposal any applicable laws and regulations and this agreement.

3. To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee which are pertinent to the specific grant program for the purpose of making audit, examination, excerpts, and transcripts.

4. To provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

5. To provide information as requested by the Grantor concerning the Grantee's actions in soliciting citizen participation in the application process, including published notice of public meetings, actual public meetings held, and content of written comments received.

6. To account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes unless the Grantee is a State. See Part A 4(f) above.

7. Not to encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in Part B 1.

8. To provide Grantor such periodic reports as it may require of Grantee operations by designated representative of the Grantor.

9. To execute Form FmHA 400-1, "Equal Opportunity Agreement," and to execute any other agreements required by Grantor to implement the civil rights requirements.

10. To include in all contracts in excess of $100,000 a provision for compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Grantor and the Regional Office of the Environmental Protection Agency.

11. That, upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to the Grantor forthwith the original principal amount of the grant stated herein above, with interest at the rate of five per centum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

12. That no member of Congress shall be admitted to any share or part of this grant or any benefit that may arise therefrom; but this provision shall not be construed to bar as a contractor under the grant a publicly held corporation whose ownership might include a member of Congress.

13. That all non-confidential information resulting from its activities shall be made available to the general public on an equal basis.

14. That the purpose and scope of work for which this grant is made shall not duplicate programs for which monies have been received, are committed, or are applied for from other sources, public and private.

15. That the Grantee shall relinquish any and all copyrights and/or privileges to the materials developed under this grant, such material being the sole property of the Federal Government. In the event anything developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

16. That the Grantee shall abide by the policies promulgated in OMB Circular A-102, Attachment O, which provides standards for use by Grantees in establishing procedures for the procurement of supplies, equipment, and other services with Federal grant funds.

17. To the following termination provisions:

(a) Termination for cause: The Grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. The Grantor agency shall promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) Termination for convenience. The Grantor agency or Grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Grantor agency shall allow full credit to the Grantee for the Federal share of the noncancelable obligations, properly incurred by the Grantee prior to termination.

Part C

Grantor agrees:

1. That it will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans and with any State or area plans for the area in which the project is located.

2. That at its sole discretion, Grantor may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

This agreement is subject to current Grantor regulations and any future regulations not inconsistent with the express terms hereof.

Grantee on ——————, 19——, has caused this agreement to be executed by its duly authorized —————— and attested and its corporate seal affixed by its duly authorized ——————.

Attest:

Grantee:

By——————

——————

(Title)

By——————

——————

(Title)

Grantor:

United States of America Farmers Home Administration.

By——————

——————

(Title)

Exhibit B—Grant Agreement (Public Bodies)

For Site Development and/or Site Acquisition For Housing and/or Public Facilities and/or Services

This agreement dated ——————, 19—, between

—————— a public body corporate organized and operating under ——————

(Authorizing State Statute)

Herein called "Grantee," and the United States of America acting through the Farmers Home Administration, Department of Agriculture, herein called "Grantor," Witnesseth:

Grantee has determined to undertake a project for site acquisition and/or site development as follows:

—————— (herein called project) to serve the approved designated energy impacted area under its jurisdiction at an estimated cost of $——————, and has duly authorized the undertaking of such project;

Grantee is able to finance not more than $—————— of the site acquisition and/or site development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee. Said sum has been committed to and by Grantee for such project acquisition and/or site development costs.

The Grantor agrees to grant to Grantee a sum not to exceed $—————— subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant

In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 601 of the Powerplant and Industrial Fuel Use Act of 1978 (P.L. 95-620) for the purpose only of defraying a part of the acquisition and/or site development costs, as defined by applicable Farmers Home Administration regulations:

Grantee agrees that Grantee will:

1. Cause said project to be completed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any necessary modifications thereof prepared by Grantee and approved by Grantor.

2. Permit periodic inspection of the project by a representative of Grantor.

3. Make the housing or public facility or services available to all persons in Grantee's service area without regard to race, color, national origin, religion, sex, marital status, age, physical or mental handicap.

4. Use the real property including land and land improvements for authorized purposes of the grant as long as needed.

a. The Grantee shall obtain approval of the Grantor before using the real property for other purposes when the Grantee determines that the property is no longer for the original purposes.

b. When the real property is no longer needed as provided above, return all real property furnished or purchased wholly with Federal grant funds to the Grantor. In the case of property purchased in part with Federal grant funds, the Grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal Participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

5. Not use grant funds to replace any financial support previously provided or assured from any other source. The Grantee agrees that the general level of expenditure by the Grantee for the benefit of program area and/or program covered by this agreement shall be maintained and not reduced as a result of the Federal share funds received under this grant.

6. Not use grant funds to pay for construction costs of housing or public facilities.

This Grant Agreement covers the following described real property (use continuation sheets as necessary).

7. Abide by the following conditions pertaining to nonexpendable personal property which is furnished by the Grantor or acquired wholly or in part with Grant Funds.

a. The Grantee shall retain such property as long as there is a need for the property to accomplish the purpose of the grant. When there is no longer a need for the property to accomplish the purpose of the grant, the Grantee shall use the property in connection with other Federal grants it has received in the following order of priority.

(1) Other grant of the Grantor needing the property.

(2) Grants of other Federal agencies needing the property.

b. When the Grantee no longer has need for the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(1) Nonexpendable property with an acquisition cost of less than $500 and used four years or more. The Grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(2) All other nonexpendable property. The Grantee may retain the property for its own use provided that a fair compensation is made to the Grantor. The amount of compensation shall be computed by applying the percentage of the Grantor participation in the grant program to the current fair market value of the property as determined by the Grantor.

c. If the Grantee has no need for the property, disposition shall be made as follows:

(1) Nonexpendable property with an acquisition cost of $1,000 or less. Except for that property which meets the criteria of b (1) above, the Grantee shall sell the property and reimburse the Grantor an amount which is computed in accordance with (3) below.

(2) Nonexpendable property with an acquisition cost of over $1,000. The Grantee shall request disposition instructions from Grantor.

(3) If disposition instructions are not issued within 120 days after reporting, the Grantee shall sell the property and reimburse the Grantor an amount which is computed by applying the percentage of the Grantor participation in the grant program to the sales proceeds. Further, the Grantee shall be permitted to retain $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

d. The Grantee's property management standards for nonexpendable personal property shall also include:

(1) Property records which accurately provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; sources of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the Grantor for its share.

(2) A physical inventory of property shall be taken and the result reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

(3) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property shall be investigated and fully documented.

(4) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(5) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

This Grant Agreement covers the following described nonexpendable property (use continuation sheets as necessary).

8. Provide Financial Management Systems which will include:

(a) Accurate, current, and complete disclosure of the financial results of each grant. Financial Reporting will be on an accrual basis.

(b) Records which identify adequately the source and application of funds for grant-supporting activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Accounting records supported by source documentation.

9. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee governments which are pertinent to the specific grant program for the purpose of making audit, examination, excerpts and transcripts.

10. Provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

11. Provide an audit report prepared in sufficient detail to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations and this agreement.

12. Agree to account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes when the Grantee is a unit of local government. States and agencies of instrumentalities of states shall not be held accountable for interest earned on grant funds pending their disbursement.

13. Not encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in item 5 above.

14. Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a designated representative of the Grantor.

15. Execute Form FHA 400-1, "Equal Opportunity Agreement," Form FHA 400-4, "Nondiscrimination Agreement," and any other agreements required by Grantor to implement the civil rights requirements. If any such form has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another form of the same type need not be executed in connection with this grant.

16. Include in all contracts for construction or repair a provision for compliance with the Copeland "Anti-Kick Back" Act (18 USC 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). The Grantee shall report all suspected or reported violations to the Grantor.

17. In Contracts in excess of $2,000 and in other contracts in excess of $2,500 which involve the employment of mechanics or laborers, to include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5).

18. Include in all contracts in excess of $2,500 a provision for compliance with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. Grantee shall report any violations of such regulation and standards to the Grantor and the local Internal Revenue Service field office.

19. Include in all contracts in excess of $100,000 a provision for compliance with all applicable standards, orders, or regulations issued pursuant to the Clear Air Act of 1970. Violations shall be reported to the Grantor and the Regional Office of the Environmental Protection Agency.

20. Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and the demand of Grantor, will, to the extent legally permissible, repay to Grantor forthwith the original principal amount of the grant stated hereinabove, with interest at the rate of five per centum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

21. That no member of Congress shall be admitted to any share or part of this grant or any benefit that may arise therefrom; but this provision shall not be construed to bar as a contractor under the grant a publicly held corporation whose ownership might include a member of Congress.

22. That all non-confidential information resulting from its activities shall be made available to the general public on an equal basis.

23. That the purpose and scope of work for which this grant is made shall not duplicate programs for which monies have been received are committed, or are applied for from other sources, public and private.

24. That Grantee shall relinquish any and all copyrights and/or privileges to the materials developed under this grant, such material being the sole property of the Federal Government. In the event anything developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

25. That the Grantee shall abide by the policies promulgated in OMB Circular A-95, Attachment O, which provides standards for use by Grantees in establishing procedures

for the procurement of supplies, equipment, and other services with Federal grant funds.

26. To the following termination provisions:

(a) Termination for cause: The Grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. The Grantor agency shall promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) Termination for convenience. The Grantor agency or Grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Grantor agency shall allow full credit to the Grantee for the Federal share of the noncancelable obligations, properly incurred by the Grantee prior to termination.

Grantor agrees that it will:

1. Assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans and with any State or area plans for the area in which the project is located.

2. In its sole discretion, Grantor may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Grantee on the date first above written has caused this agreement to be executed by its duly authorized———— and attested and its corporate seal affixed by its duly authorized————

Attest:

[Seal]

By————

[Title]

Grantee

Grantor

United States of America

Farmers Home Administration

By————

[Title]

Note.—The Farmers Home Administration has reviewed this document for compliance with National Environmental Quality Regulations, 7 CFR Part 1500 and Farmers Home Administration Regulation 1901–G "Environmental Impact Statement."

Funds authorized under Section 601 may be utilized for a wide variety of project types. Area designations and priorities are to be established by the Governor of the State. The circumstances do not allow an analysis of potential environmental effects on a programmatic basis. Special provisions have been incorporated to insure that environmental impacts will be studied when priorities are established and applications are processed.

The proposed regulations require that environmental consequences of any action funded under this Subpart will be considered both on a site specific and cumulative basis. The Farmers Home Administration has determined that the regulations are in full compliance with NEPA and CEQ guidelines.

A copy of the Final Impact Analysis prepared by FmHA is available in the Office of the Chief, Directives Management Branch, Room 6346, South Building, Washington, D.C. 20250. This regulation has been determined significant under the USDA criteria implementing Executive Order 12044.

(Section 601 Pub. L. 95–620; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

(Approval has been requested from the Office of Management and Budget in accordance with the Federal Reports Act of 1942 for the reporting and/or recordkeeping requirements contained herein)

Dated: June 14, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-19106 Filed 6-18-79; 8:45 am]

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