

### **Public Act 377 Frequently Asked Questions**

See the above link for further information on Public Act 377.

Q. Is it true that there is no registration of pistols that are purchased from an FFL dealer?

A. No. A person purchasing from an FFL dealer must complete a Pistol Sales Record (PSR). That form is then sent to the purchaser's local police agency, and the gun is entered in the state database.

Q. Can the local agency discard the previously issued LTP/PSR forms that are currently on file?

A. There is no provision in the statute change that allows or requires destruction of previously issued License To Purchase (LTP)/PSRs.

Q. Can a dealer still use one form to report the purchase by the business of multiple guns purchased on the same day from the same person?

A. MSP will still allow a dealer to complete one PSR form and attach a list. The list must include a dealer's name, the name of the seller, and the date of purchase/acquisition.

Q. Does an agency still need to run a check of the Immigration and Customs Enforcement (ICE) database if the person can show they are a legal resident alien?

A. Yes. Although MCL states a person must be a United States citizen or a legal resident alien (such as someone having a work visa), MCL 28.426 still requires a check of ICE to verify he/she is not a non-immigrant alien. Therefore, it is more prohibitive to get a LTP than to purchase directly from an FFL dealer.

Q. If an individual gets a LTP in a jurisdiction other than where he/she resides, can the MSP copy be mailed to his/her local jurisdiction?

A. No, the statute requires it be returned to the issuing authority.

Q. Can a dealer refuse to sell a pistol to someone that does not have a LTP?

A. The statute is very specific that a person purchasing from an FFL dealer does not need a LTP.

Q. Does this mean a CPL holder purchasing from another individual now needs a LTP?

A. No, the exception to the LTP for an individual with a valid Michigan CPL is still in effect.

Q. Can a person with a FFL doing business as a pawn broker or licensed as a collector of curios and relics sell to an individual without a LTP?

A. No, for the purpose of this act, a FFL is defined as a type 01 dealer, which is a retail dealer.

Q. Are FFL dealers required to conduct a NICS check for all sales now?

A. Michigan LTP and CPL forms are still approved as NICS alternative forms. This does not prevent the dealer from conducting a NICS check on someone that has a LTP or CPL, if they choose.

Q. Can a pellet pistol be sold by a FFL dealer without conducting a NICS check?

A. Since a pellet pistol is not considered a firearm under federal law, NICS will not conduct the background check for the sale of this type of firearm. The amended MCL 28.422a makes an exemption from the LTP requirement for "an individual who purchases a pistol from a federally licensed firearms dealer in compliance with 18USC 922(t)." If there is no NICS check done by the dealer, the individual is not exempt. Therefore, he/she must obtain a LTP.

As the field works to implement the changes, there may be other issues to consider in updating the forms or APRS. Please contact the Firearms Records Unit at (517) 241-1917 or by email at [MSP-CJIC-GUNS@michigan.gov](mailto:MSP-CJIC-GUNS@michigan.gov) or [smithd85@michigan.gov](mailto:smithd85@michigan.gov) with any suggestions and questions you have. This unit will keep track of additional questions that arise and share clarifying information.

Q. How can a Pistol Sales Record be entered without a CPL number? (This question pertains to agencies using the Automated Pistol Registration System only.)

A. The system first requires an attempt to recall by CPL number. Since the purchaser does not have a CPL, put any random number in the CPL field and transmit. The system will respond with an error message, "Recall Record Not Found." Change the action to S-Sales Record and type in all fields to enter the transaction.

Q. Is a License to Purchase now valid for 30 days and also another 30 days to return it?

A. No, a License to Purchase is valid for 30 days, but the requirement to return it to the issuing agency within 10 days of purchase has not changed.

Q. Can an agency charge a fee for issuing a License to Purchase to someone that does not live in their jurisdiction and does not pay taxes to them?

A. No. MCL 123.1102 prohibits it.

Q. Does the License to Purchase form no longer have to be notarized due to the statement on the back that the individual is swearing to, which states they have passed the Basic Pistol Safety Questionnaire?

A. The License to Purchase is still required to be notarized, and the person must swear to the statement on the back. However, a line should be drawn through the phrase "have passed the basic pistol safety questionnaire."

Q. Can a waiting period for background checks be instituted if a LTP applicant does not live in the jurisdiction where he/she is applying?

A. No. MCL 123.1102 also prohibits enacting or enforcing any ordinance or regulation pertaining to, or regulating in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols ... except as otherwise provided by federal law or a law of this state. The agency is not required to issue the LTP immediately if more time is needed to complete a background check. If the policy of the department is to check local records for determining "probable cause" as allowed by statute, a check with another agency may delay the issuance.

Q. Is an individual purchasing from an FFL prohibited from getting a License to Purchase?

A. No. The statute says they are not required to get a License to Purchase if purchasing from an FFL. It doesn't say they can't.

Q. How can I tell if an FFL dealer is a type 01?

A. Digits number 7 and 8 indicate the type of FFL. Therefore, those digits should always be 01. Also, for more information, digits 9 and 10 indicate the expiration date of the FFL. For example, 3C indicates the next year ending in 3. The C indicates the third month of the year. In this case, the license would expire March 2013. Additionally, an FFL dealer can be verified at [www.atfonline.gov/fflezcheck](http://www.atfonline.gov/fflezcheck).