

*Private Sale Q&A for Federal Firearms Licensees (“FFLs”)*

**Q: How does the SAFE Act affect private sales or transfers of firearms?**

A: Starting March 15, 2013, a background check of a buyer or transferee of a firearm must be performed by a federal firearms licensee (“FFL”) before a firearm is sold or transferred by a private individual, unless the transfer is between immediate family members.

**Q: What family members are exempt from the private sale/transfer provision?**

A: Sales or transfers to and between spouses, domestic partners, children and step-children are exempt from the private sale/transfer provision.

**Q: How do I complete a private sale or transfer?**

A: Federal law and guidelines govern the process that dealers must follow if they choose to conduct a background check for a private sale. That guidance may be found at <http://www.atf.gov/regulations-rulings/procedures/031513-procedure-2013-1.pdf>.

**Q: Am I required to perform a background check for a private sale or transfer?**

A: No. You are under no legal obligation to facilitate a private sale or transfer.

**Q: Is there a cap on what I may charge to facilitate the private sale or transfer?**

A: You may charge up to \$10 to facilitate the sale or transfer.

**Q: What if I have questions about the process?**

A: Contact the NY SAFE Act hotline at 1-855-LAW-GUNS. You can also contact ATF Industry Operations at 646-335-9060 (New York City) or 716-853-5160 (Buffalo).