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Dear Members and Collectors:

We need your help on or before December 7, 2023, to contact your US Senators and Representatives as well as The Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). The ATF is proposing new regulations that change who is required to have a Federal Firearms License (“FFL”) in order to sell a firearm. **These regulations have not been adopted and with your help the regulations may be rejected.**

The proposal provides rebuttable presumptions of who is selling firearms to “predominately earn a profit” and thus are “engaged in business” and they are a dealer who must be licensed. What does all of this mean? The Proposal is that a person must be licensed if they sell firearms with intent to predominately earn a profit. In the Proposed regulations this is defined to include tagging a firearm with a sale price, **renting a table at a gun show**, or maintaining records regarding purchased and sold prices. Further, offering firearms of a similar kind or type for sale. These are rebuttable presumptions. What a “rebuttable presumption” means is that if ATF establishes one of these facts, such as renting a table at a gun show that offered firearms for sale, one is presumed to be a firearms dealer, who is required to have an FFL license. The burden to prove otherwise then moves to the seller to establish that they are not “engaged in business”. These presumptions are for civil, not criminal proceedings.

These proposed changes in the regulations have come from a directive of the President and the Attorney General. They are asserting that these changes are proper based upon changes in federal law enacted in the Bipartisan Safer Communities Act (the “BSCA”). **The BSCA does not provide for these presumptions.** BSCA was passed by Congress as law, the proposed regulations are being put forth by the administration through ATF as a “reasonable interpretation” of the BSCA. *We disagree.*

The proposal if enacted is not good news for gun shows or OGCA. Exactly how everything would fall out is not known.

What is OGCA doing about this:

1. OGCA has prepared and sent detailed information regarding the proposed rule to collector organizations, show promoters, and other interested parties throughout the county. OGCA also requested these entities submit objections to the proposed rules before the deadline of December 7, 2023 and provided a detail explanation of objections that could be made. OGCA has also requested these entities contact their Congressional Representatives and US Senators to voice their concern and provided information for making those complaints.
2. OGCA is asking you to object to the proposed rule and voice your objection to your Congressional Representatives and US Senator (more information provided below) and spread the word that this proposed regulation is not acceptable.

3. OGCA will be presenting a detailed objection to the proposed rule and communicating its objections to the Ohio Congressional Representatives and US Senators.

**It must emphasized that these regulations have not been adopted and if they are adopted it will take some time. So nothing has changed with regard to the regulations for the November or January OGCA meetings. Please be respectful in all communications to others regarding this matter.**

If you wish to review detailed information regarding the proposed rule, please click on this link:  
[Alert – Ohio Gun Collectors Association \(ogca.com\)](#)

Below is a draft objection to the proposed rule should you wish to submit it to ATF. We also suggest that you also send a copy of your objections to your federal representatives, their contact information is available the links below.

**Links that provide contact information for your US Senators and Representative**

<https://www.senate.gov/senators/senators-contact.htm>

<https://www.house.gov/representatives/find-your-representative>

**Proposed objection for your submission to ATF**

RE: ATF 2022R-17, proposed rule

I am writing to object to several provisions of the proposed 27 CFR Part 478. The presumptions set forth that one is engaged in the sale of firearms and needs an FFL for doing things such as renting a table at a gun show, placing a price tag on a firearm, keeping records of purchase and sale prices of guns, and selling guns of the same manufacture or like new, is not proper and contrary to the provisions of law that specifically provides for occasional sales for gun collectors and hobbyist.

Sales and purchases by non-dealers were not prohibited by the Bipartisan Safer Communities Act. Had that been the intent of the BSCA it would have so stated. It is not proper to take actions by regulation that go far beyond what Congress provided in law.

The provisions in paragraph (c) setting forth presumptions of “engaged in business” and the revisions setting forth presumptions of “intent to earn a profit” are not supported by the language of BSCA, and should not be adopted.

**Use this Link to submit electronically opposition to the proposed Rule to ATF, you can copy and paste the proposed objection above and submit it through this link:**

<https://www.regulations.gov/commenton/ATF-2023-0002-0001>

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