

*The Division has received the following comments via the Firearms Dealer Division Rulemaking email. The Division will respond to certain parties' comments should the Division implement their recommendations into the rule. Some comments submitted were not directed at the proposed rules, but rather to the legislation (HB24-1353). These comments are not able to be considered as the General Assembly passed this bill and it is the duty of the Firearms Dealer Division to implement the new law as written.*

**Kye Javes**

*D and S Solutions*

**Public Comment: Violation of Colorado Citizens Civil Rights**

*Received on October 21, 2024*

I am required, as a function of my job to have a FFL. I only transfer to law enforcement and agency. I have no "business hours" as I am not in business to sell firearms.

- 1- Am I libel to this vigorish?
- 2- When will the Department of Revenue permit these transfers since I have no business hours?
- 3- Will the Department of Revenue refund this vigorish when I give up my license?
- 4- Since the collection of the vigorish is not concurrent with the FFL will the vigorish be prorated?
- 5- Since I keep no stock at my home, the location of the FFL, will I be notified the warrantless search's? Or will you kick in my door and kill my dogs since I have no business hours?

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**Mike Koenig**

*Foundation Firearms*

**Public Comment: Selling in Colorado**

*Received on October 21, 2024*

So my question is about ONLINE sales.

If I have an online business shipping out of the state of Colorado and does not sell to Colorado Residents, Does this require the Colorado permit??

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**Rick Dorn**

*Rockin' Rick Guns*

**Public Comment: This Law Has Put Me Out Of Business Thank You Very Much Colorado**  
*Received on October 21, 2024*

This Law Has Put Me Out Of Business Thank You Very Much Colorado

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**J. Thomas**

*Falling Sky, LLC*

**Public Comment: No subject**  
*Received on October 21, 2024*

To Dept. Of Revenue:

It is obvious to me today that you have, in the entirety of your organization, not one brain amongst you. Why do you continue to send me these emails? I haven't been an FFL since August 2023. My business/tax licenses and Federal EIN no longer exist. My trade name is history.

An even better question: how in the HELL do you ineffective bureaucrats expect to administer this unconstitutional and extortionist FFL oversight if you don't even know who is operating as an FFL in this state?

I encourage every single remaining FFL in this state to completely ignore this ruling. Don't pay these thieves a penny. Tie them up in court with lawsuits and injunctions until the end of time. Attack every conflict present in this legislation, whether it violates the GCA, NFA, the Colorado or U.S. Constitution. Bar CBI employees from entering premises without a warrant, signed by a judge. Show your books to no one but ATF industry reps, ever.

Now, delete me from your records and memory. Stop emailing me. Do not call or write, and do NOT come to my home for an inspection.

You will not be greeted warmly.

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**Matt Johnson**

*Business affiliation not provided*

**Public Comment: Overreach**  
*Received on October 21, 2024*

So would you like me to fork over my FFL now or wait until June? Really cool how Colorado is for putting small businesses out of business.

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**Scott Bell**

*Meridian Aircraft Co.*

**Public Comment: Box Stores**

*Received on October 21, 2024*

Hi I just found out that the large box stores do not have to comply with the new House Bill because gun sales are not the main source of income for the store. Is this true? Please let me know.

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**Steven Roy**

*Business affiliation not provided*

**Public Comment: Business license for FFL Holders.**

*Received on October 22, 2024*

I hold an FFL. My hope and dream is to have a fully operational gun shop. Now I renew my FFL. I fill out a form that goes to the BATFE, I also have to make a copy of this form for my local chief law enforcement officer. That means both federal and state are investigating my background. This is totally wrong and just another way for the Democrats to end gun sales in the state of Colorado. This is one of the main reasons I left New York to live here. Freedom. We don't need a business license. This needs to be repealed along with this three day waiting period. Most if not all of my business is background checks on people having a gun they bought online. I run the background check and only then can they receive their gun. I ask all gun enthusiasts to call and write to their politicians to repeal these new laws. Colorado is heading to becoming the next California and New York. Please people, let's not let this happen. Tell them this state belongs to the people and not the government.

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**PM Mueller**

*Tactical Acoustics*

**Public Comment: Response to Draft Rules**

*Received on October 24, 2024*

2024 Firearms Dealer Division Rules Working Group

RE: Clarification of "Dealer" Definition and Rules Pertaining to

24 October 2024

Members,

In addressing the duty of the Firearms Dealer Division to implement HB24-1353, it is required through the referenced statutes of the Bill that “Federally licensed firearm dealer” means a licensed dealer as defined in 18 U.S.C. sec. 921 (a)(11).

18 U.S.C. sec. 921 (a)(11) states as follows:

"(11)The term “dealer” means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term “licensed dealer” means any dealer who is licensed under the provisions of this chapter."

However, 18 U.S.C. sec. 921 (a)(10) states that a "manufacturer" of firearms is engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution, to wit:

"(10) The term “manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term “licensed manufacturer” means any such person licensed under the provisions of this chapter."

Referencing the above cited definitions of "dealer" and "manufacturer", there is invoked a distinct legal separation between a "dealer" and a "manufacturer" under U.S.C. code. However, HB24-1353 is written with distinct referral to a "dealer", and therefore will not apply to a "manufacturer" of firearms within the State of Colorado.

Similarly, there will also be other types of Federal Firearm Licensees (FFLs) that do not fall under the HB24-1353 definition of "dealer", and their definitions can be found as such sites as

<https://www.atf.gov/resource-center/types-federal-firearms-licenses-ffls>

"Types of Federal Firearms Licenses (FFLs)".

Note that HB24-1353 also defines "dealer" as:

"DEALER" MEANS A FEDERALLY LICENSED FIREARM DEALER AS DEFINED IN SECTION 18-12-101 AND ANY OTHER FEDERAL FIREARMS LICENSEE WHO, WITHIN THE SCOPE OF THE LICENSEE'S LICENSE, SELLS FIREARMS AT RETAIL TO THE PUBLIC."

Of emphasis in the preceding reference, note the distinction cited with emphasis to the word "RETAIL", and to not including such terms as "manufacturer", "wholesaler", "distributor", or similar non-retail type in the definition.

Note also, to further emphasize the distinction in the types of firearms licensees, HB24-1353, specifically exempts Type 09 from the Rules being developed in the following paragraph:

"(d) A DEALER WHO ONLY DEALS IN DESTRUCTIVE DEVICES IS NOT REQUIRED TO OBTAIN A STATE PERMIT TO ENGAGE IN THE BUSINESS OF DEALING IN DESTRUCTIVE DEVICES."

The remaining types of federal firearms licensee types other than the 01 type are similarly exempt under HB24-1353. The Rules Working Group therefore has the obligation to limit any wording of Rules to applicability to only Type 01 firearms dealers operating as a retailer to the general public at a point of sale within Colorado, and if intended to apply to "...ANY OTHER FEDERAL FIREARMS LICENSEE...", clarify at what point and location a sale of a firearm is considered "TO THE PUBLIC."

In the Rules Development Process, what wording will be included to interpret applicability/non-applicability of HB24-1353 requirements specifically for the following entities with consideration to the "TO THE PUBLIC" interpretation, and also in general, for other non-Type 01 FFLs where:

1. a Colorado based entity Type 01 Federal Firearms Licensee is engaged in retail sales within Colorado only, or;
2. a Colorado based entity Type 01 Federal Firearms Licensee is engaged in retail sales within Colorado or any other US State where legally allowed, or;
3. a Colorado based entity Type 01 Federal Firearms Licensee is engaged in retail sales in any other US State other than Colorado where legally allowed, or;
4. a Colorado based entity Type 01 Federal Firearms Licensee is not a party to but is facilitating a legal federally required firearms transfer:
  - a. from a Colorado based entity (seller - transferor) as a retail purchase executed by another Colorado based entity (buyer - transferee), or;
  - b. from a Colorado based entity (seller - transferor) as a non-retail purchase executed by another Colorado based entity (buyer - transferee), or;
  - c. from a non-Colorado based entity (seller - transferor) as a retail purchase executed by another Colorado based entity (buyer - transferee), or;
  - d. from a non-Colorado based entity (seller - transferor) as a non-retail purchase executed by another Colorado based entity (buyer - transferee), or;
5. a non-Colorado based entity Type 01 Federal Firearms Licensee with a Colorado site not a party to but facilitating a legal federally required firearms transfer under the same conditions bulleted in 4. above, or;
6. a Colorado based entity Type 07 or any other non-Type 01 Federal Firearms Licensee not a party to but facilitating a legal federally required firearms transfer under the same conditions bulleted in 4. above, or;
7. a non-Colorado based entity Type 07 or any other non-Type 01 Federal Firearms Licensee with a Colorado site not a party to but facilitating a legal federally required firearms transfer under the same conditions bulleted in 4. above;
8. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in retail sales within Colorado only, or;
9. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in retail sales within Colorado or any other US State where legally allowed, or;
10. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in retail sales in any other US State other than Colorado where legally allowed, or;

11. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in wholesale, distribution, warehousing, etc. (non-retail) transfers within Colorado only, or;
12. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in wholesale, distribution, warehousing, etc. (non-retail) transfers within Colorado only; or any other US State where legally allowed, or;
13. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in wholesale, distribution, warehousing, etc. (non-retail) transfers in any other US State other than Colorado where legally allowed, or;
14. a non-Colorado based entity Type 07 Federal Firearms Licensee is engaged in manufacturing at a site(s) within Colorado but having no product from the Colorado location(s) disbursed within Colorado, but said products are sold retail in States other than Colorado where legally allowed, or;
15. a non-Colorado based entity Type 07 Federal Firearms Licensee is engaged in manufacturing at a site(s) within Colorado but having no product from the Colorado location(s) disbursed within Colorado except by transfer to a Federal Firearms Licensee site within Colorado in a sales tax exempt transaction, but said products are sold retail in States other than Colorado where legally allowed, or;
16. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in manufacturing at a site(s) within Colorado but having no product from the Colorado location(s) disbursed within Colorado, but said products are sold retail in States other than Colorado where legally allowed, or;
17. a Colorado based entity Type 07 Federal Firearms Licensee is engaged in manufacturing at a site(s) within Colorado but having no product from the Colorado location(s) disbursed within Colorado except by transfer to a Federal Firearms Licensee site within Colorado in a sales tax exempt transaction,, but said products are sold retail in States other than Colorado where legally allowed, or;
18. any non-Federal Firearms Licensee type, transferring via sale firearms to, within, or out of the State of Colorado, or;
19. any Federal Firearms Licensee engaged in retail sales within Colorado licensed as a Type and also one or more other Type, whether at a single site or multiple aggregate?

Please contact us for further assistance if needed for your task. Your efforts are appreciated.

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## **Robert Bechman**

*Gray Ghost Sports*

### **Public Comment: Federal Fire Arms Transfers Only**

*Received on October 24, 2024*

Am I required to have your firearms license if I only transfer firearms?

I do not make a living doing this.

I do not make money doing this.

I provide a service only.

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**Greg Dykstra**

*Pistol Wrangler, LLC*

**Public Comment: State FFL Licensing**

*Received on October 24, 2024*

FFL is an acronym for "Federal Firearms License", for those lawmakers who don't know. How many businesses have to have a Federal and State License? Only in the Democratic controlled states are these laws shoved up the small business owner's you know what. It will not reduce violence in our state, nor will it stop criminals from committing crimes. Last I checked, criminals don't follow the law anyway! But hey, let's legalize marijuana use so everyone can get high and vote Democrat. Last I heard marijuana was a Federally Controlled Substance and it is ILLEGAL to even possess! But in Colorado, the lawmakers decided to ignore Federal Law, unless it suits their political agenda. That's why Denver is a Sanctuary City for illegal aliens! How's that working for the tax paying Colorado citizens?? Again, just another way for Democrats to get more votes and have a total monopoly like California! Congratulations Democrats in the Colorado Legislation, you have put another small business owner out of business!