



The Department has received the following comments via the Firearms Dealer Department Rulemaking email. The Department will respond to certain parties' comments should the Department 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 Department to implement the new law as written.

Chat Transcript—Public Comments—Working Group meeting held on February 12, 2025. Due to a public meeting being held, the division has repeatedly asked parties not to utilize the Zoom chat feature. Since this continued to be utilized on Wednesday, February 12, 2025, the division feels it's appropriate for everyone to be able to see the chat messages for future reference. For future meetings the chat feature will be disabled so public comments can be made for all attendees to hear and address.

- 02:12:54 m@ cherry creek gun store / family shooting center wg:
create a form and we can set it on the counter and they can fill it out if they want to or leave it
- 02:13:26 WG - Nephi Cole (NSSF):
Don't require an additional form.
- 02:14:03 Public - GT:
No new forms
- 02:14:17 WG-Denise Landin-EZPAWN:
Prefer not an additional form, but either way this may require system changes for those of us who maintain electronic 4473s.
- 02:32:59 WG - Nephi Cole (NSSF):
Q: 4473 and other ATF documents are, I believe, protected by the 1974 federal "Privacy Act". Are we all on the same page that the Department cannot maintain any records associated with these documents?
- 02:34:23 WG- Langford Jordan Cent. Gun Club:
Box 32 is 4 inches by 1 inch. There is not enough room in that box for the information we are talking about.
- 02:40:01 WG- Langford Jordan Cent. Gun Club:
Need to have a meeting if there are changes to 3-110. That is a problematic area.
- 02:41:00 WG Sean Steele, Colorado FFL Association, CFFLA.org:
Would love to have the conversation about our association with our corporate friends.
sean@cffla.org
- 02:42:35 WG Sean Steele, Colorado FFL Association, CFFLA.org:
@WG Duke Grimes - Mid-States Dist @Jessica Orr Scheels @WG-Denise Landin-EZPAWN
- 02:43:16 WG Sean Steele, Colorado FFL Association, CFFLA.org:
@WG-Luke Montoya Sportsman's Warehouse
- 03:03:13 Battlement Arms Mfg:



Every former law enforcement officer, as an employee of a political subdivision, has had their license to possess a firearm on behalf of that agency suspended when they quit, retire or fired.

03:07:22

WGM-Lincoln Wilson Hale Store:

Replying to "Every former law enf..."

With the recent firing of FBI and others, does your information include CCW permits? In most cases, CCW Permits were not necessary due to their active employment.

Quinton C. Green

Walmart

RE: Updates regarding Firearms Updated Firearms Regulations

Received on February 14, 2025.

Good afternoon. I hope all is well. I have a few questions regarding 1 CCR 214-1. Please review them below:

Rule 3-110 (Required Records and Records)

1. Under the Section B. Firearms Dealer Transaction Log section, it refers to either filling out a form provided by the Department or potentially through an electronic system. As you might already know, our customers fill out the FORM 4473 electronically prior to its submission through NICS.

- a. Since the information being requested is already included on the FORM 4473, would we be required to duplicate this information?
- b. Also, if this is a separate form, do you all have a copy of it, and would this be available through some type of online portal or separate form?
- c. Lastly, if there is a state required form, will there be some type of API available to link between our store portals to your state site?

When you have a moment, reach out to me either via phone or email. Again, thank you so much for being a valued partner as we work to come into compliance with the future rules and regulations.

DEPARTMENT'S RESPONSE SENT ON FEBRUARY 14, 2025

Thank you for your email.

- a. This has been the topic of much discussion, including this past Wednesday's working group meeting. The Department has no desire to add to your workload and transaction recordkeeping; however, the current statute requires that certain information that is not on the 4473 is recorded. The Department is working through the state legislature to address this additional information, but until the statute is modified, we must adhere to the statutory language as it is written. Members of the industry have provided suggestions of different methods of collecting this additional information, including a separate form (paper and electronic), a supplemental form with only the additional information required, and putting the information in the "notes" section of the 4473, or a combination of these options to be used at the discretion of an individual business; The Department is receptive to these, and any other suggestions and welcome any ideas you may have that would assist us and the industry in complying with the current statutory requirements.



- b. As stated above, the Department has not made a final decision on how the information will be collected, so no form is currently available. If it is necessary to implement an additional form or supplemental form, we anticipate it/they will be available online on the Department website.
- c. This is a question we will have to take to our OIT department, and I will have to get back to you after obtaining their thoughts on the feasibility of an API.

I hope this is helpful. Please do not hesitate to contact me should you have additional questions or concerns.

Follow up message from Quentin Green

Received on February 17, 2025

Thank you for the responses. During the last working call, it was stated that there were three options when it comes to potential training. Just to confirm, was one of the options to partner with the National Shooting Sports Foundation? I know retailers could either partner through you all or receive approval from the state to use company-created content. I just wanted to confirm the third option. Richard, when you have a moment, please let me know.

DEPARTMENT'S RESPONSE SENT ON FEBRUARY 19, 2025

You are correct. The third option was a training program that is being created by NSSF. Unfortunately, there is a delay in obtaining the training program, and I'm not sure when it will be available. I'm working with NSSF and the Department will notify the industry when the training can be accessed through NSSF.

Follow up message from Quentin Green

Received on February 21, 2025

Good afternoon again. I hope all is well. If we elect to move forward with the state-provided training, who would be the point of contact we would work with to coordinate the training and testing?

DEPARTMENT'S RESPONSE SENT ON FEBRUARY 21, 2025

It will be an online training program that your employees can access at any time. The URL for the training and testing will be published on our website when it is accessible to the industry. There is no need to coordinate with us.

Duke Grimes

Mid-States Distributing

RE: Public comments on Firearms Dealer Rules re: definition of a dealer

Received on February 13, 2025

Thank you for the opportunity to provide public comment. I am Duke Grimes, a Working Group member, representing Mid-States Distributing, a partnership of farm and ranch retail companies with 50 FFLs in Colorado.

The Gun Control Act of 1968 established the federal definition of a "dealer." However, this definition predates modern state licensing requirements and regulatory complexities. A key issue is that some Federal Firearms Licensees (FFLs) operate within broader retail settings—essentially as a "store within a store." This scenario was likely not contemplated or explicitly addressed in federal law.

Colorado's proposed Rule 1-115(b) adopts the definition of "dealer" from C.R.S. 18-12-401 (Defining dealer as "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 the retail in public"). Section 18-12-101 (referenced in the Basis and Purpose for Rule 1-110, A.), defines a "federally licensed firearm dealer" as a licensed dealer as defined in 18 U.S.C. § 921(a)(11) ("The term licensed dealer means any dealer who is licensed under the provisions of this chapter").

This broad and circular statutory scheme does not account for the unique regulatory landscape that was considered in HB 3153, such as in retail settings where firearm sales occur within larger businesses. Without clarification, the definition could be misinterpreted to apply to an entire retail establishment rather than specifically to the licensed firearms business within that establishment, even if HB 3153 defines it otherwise. This is especially relevant when the rules discuss the "employees of a dealer" in Rule 2-300 and 2-400.

To clarify this, I propose a minor, but necessary, clarification that aligns the rule's definition of "dealer" with the language used in HB1353. The definition could be amended as follows:
"Dealer" has the same meaning as set forth in 18-12-401(1), C.R.S., and applies only to the scope of the licensee's license involving the sale of firearms at retail in public."

This clarification is important in aligning who is considered a "dealer" within HB1353. Employees who are not directly involved in firearm sales or transactions are not covered by the definition, ensuring that regulatory requirements apply only to those engaged in the business of selling firearms. This amendment upholds the legislative intent of HB1353 and aligns with the stated goals of the Firearms Department, focusing regulatory oversight on firearm sales while avoiding unnecessary compliance burdens on unrelated business activities.

I appreciate the opportunity to provide this input and urge consideration of this clarification to ensure the rule is applied appropriately and in line with legislative intent.

DEPARTMENT'S RESPONSE SENT ON FEBRUARY 20, 2025

Thank you for your suggestion. We are taking it under consideration.

DEPARTMENT'S RESPONSE SENT ON FEBRUARY 28, 2025

The Division has reviewed your suggestion and believes that the rule change is unnecessary. Rule 1-115(B) defines "Dealer" as having "the same meaning as set forth in 18-12-401(1), C.R.S." Since the language in the statute is referenced in the rule, "within the scope of the licensee's license, sells firearms at retail to the public" is already in the rule by reference.

The Division greatly appreciates your recommendations and feedback. Please do not hesitate to submit additional recommendations or comments as we go through the rulemaking process.

Lincoln Wilson
Hale Store

RE: Copy of Permit required to execute
Received on February 18, 2025

I appreciate your help and admire your patience and professionalism in working within the constraints of (1) A difficult topic, (2) Educated and independent entrepreneurs, and (3) The pressure of limited time to produce a working result.



To that end, would you please forward the preliminary/proposed or working example of the Permit Application to be used in the emergency rules directive? I recall seeing it online during the Feb 12th meeting but could not locate it among the Rules Information.

I am concerned specifically about the final section of the work product. I recall several serious statements or opportunities regarding - Without long-winded word-smithing issues of "Rights." The specific document proposed will speak for itself instead of guessing at what "I think I saw."

Again, thank you for your work and the opportunity to participate.

DEPARTMENT'S RESPONSE SENT ON FEBRUARY 20, 2025

Thank you for your comments. After our working group meeting on February 12, 2025, the Department decided to remove that entire section from the form.

Denise Landin
EZPAWN

RE: EZPAWN Comments Letter with Proposed Revisions Session #6
Received on February 21, 2025

EZPAWN submits the foregoing response to the Session #6 proposed Emergency Rules and proposed forms. EZPAWN appreciates the continued ability to provide comments to the Department of Revenue-Firearms Dealer Division (the "FDD") and respectfully provides following comments on the Emergency Rules and proposed forms.

Proposed Rule 1-115 Definitions

During the working group call, the FDD mentioned that only employees involved in firearms would need to undergo fingerprinting and background checks. The proposed definition of "employee" includes persons with "access to firearms." EZPAWN requests clarification of what the FDD may consider "access." EZPAWN already conducts criminal background checks on all employees and requires any employee working in a location that deals in firearms to answer a questionnaire to determine if the employee would be prohibited from possessing a firearm and thereby unable to work in a firearms location. The requirements of this new law are duplicative to EZPAWN's current efforts to some extent but require an additional burden of fingerprinting potentially all employees. EZPAWN requests clarification on which employees need to be fingerprinted and subjected to the CBI background check. The broadest reading of the definition of "employee" will cause EZPAWN to submit almost 200 employee fingerprints for background checks, plus add a maintenance burden due to high turnover in our Colorado locations.

Proposed Rule 2-100 and Rule 2-300 Related to Background Checks

EZPAWN maintains corporate-level Responsible Persons, as well as store specific Responsible Persons. With regard to the requirement for Responsible Persons to be fingerprinted as part of their application, the proposed rules do not dictate that background checks be conducted within a certain time in relation to submitting the application. Given the number of employees to be fingerprint background checked and the lack of information to date from CBI on this process, EZPAWN requests the FDD consider flexibility on the timing requirements.

EZPAWN proposes revision to Rule 2-100(B)(1)(m) [Application Process] by adding the following:

- (b) For initial applications, fingerprint-based criminal history record checks may be completed within thirty (30) days prior to submitting the application.



In addition, the restriction to conduct Employee background checks within seven (7) days of the employees' first day of employment may frustrate hiring and employment of firearms dealers. As written, Rule 2-300(A)(3) only allows these background checks to be accepted by dealers if completed within seven (7) days of before the employee's first day of work. As an employer, EZPAWN is concerned that the seven days remain a realistic turnaround for fingerprint background checks. Delays in this process will potentially frustrate hiring and cause firearm dealers to lose good applicants. Revising Rule 2-300(A)(3) to allow the hiring and onboarding of employees while awaiting the results of their fingerprint background checks will benefit applicants and employers.

Proposed Rule 3-110 Required Records and Retention

As discussed during the working group call, clarification of the scope of Section B is needed. Currently, this section only relates to "pistols or revolvers sold, rented, or exchanged at retail." EZPAWN does not interpret pawn transactions as "retail" transactions, but rather loans. Our pawn transactions are subject to the successful completion of 4473's prior to the redemption of any pawned firearm so there is information collected and retained on these transactions. We appreciate clarification if any of the Colorado specific information outlined in Proposed Rule 3-110 will need to be captured as part of a pawn redemption.

Session #6 is the first meeting to address required recordkeeping on firearms transactions. The additional data elements requested may cause system modifications. Therefore, EZPAWN requests clarification on FDD's expectation of where to capture new elements that are not currently captured on the 4473. Specifically, the following data is not captured currently by EZPAWN on the 4473:

- State permit number
- Legal business name (4473 allows a trade name to be used)
- Employee's state firearms dealer number
- Purchaser's occupation
- Affirmation that purchaser is 21 years old or older.

EZPAWN maintains a third-party system for the completion of electronic 4473's. The system includes several compliance checks. Due to the timing involved in making any system changes, EZPAWN requests flexibility to capture the above information outside of the 4473, if needed, and make it available upon request during any inspection or request of the Division. Further, EZPAWN requests the capture of the date of birth be sufficient to comply with the requirement to obtain an affirmation that a purchaser is 21 years old or older. The date of birth is captured already and EZPAWN maintains system controls in place to prevent a firearms transaction with anyone under the age of 21.

Proposed Employment Eligibility Form

EZPAWN thanks the FDD for sharing the proposed Application and Employment Eligibility Form and discussing each during Session #6. With regard to the Employment Eligibility Form, The FDD indicated the contact information requested (phone number and email address) would be for the employee to receive their FDD number. EZPAWN maintains licensing professionals to assist with employee licensing. EZPAWN requests the ability to include a general licensing email to receive a copy of the FDD number, in addition to the employee's contact information.

EZPAWN appreciates the opportunity to provide comments on the draft rules and proposed form. If you have any questions or need more information, please do not hesitate to contact me.

DEPARTMENT'S RESPONSE SENT ON FEBRUARY 21, 2025

Thank you for submitting your comments. We are taking them under consideration.