

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 11, CHAPTER 12.3.**  
**DEPARTMENT OF JUSTICE REGULATIONS FOR THE**  
**BASIC FIREARMS SAFETY CERTIFICATE PROGRAM**

**Article 1. General**

**§ 967. Title.** This chapter shall be known as the “Department of Justice Regulations for the Basic Firearms Safety Certificate (BFSC) Program.” It may be cited as such and will be referred to in this chapter as “these regulations.”

**NOTE**

Authority cited: Sections 12800-12809, Penal Code. Reference: Sections 12800-12809, Penal Code.

**HISTORY**

1. New chapter 12.3 (articles 1-6), article 1 (sections 967-967.05) and section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.05. Scope.** This chapter applies to Department of Justice (DOJ) Course Providers (and their designated proxies), DOJ Certified Instructors, individuals that apply for BFSCs, individuals that have been issued BFSCs, and California firearms dealers that are licensed pursuant to Penal Code section 12071. These entities participate in the BFSC Program pursuant to Penal Code sections 12071, 12072, 12078, 12084 and 12800-12809. Furthermore, these proposed regulations apply to transactions that are exempt from the BFSC requirement pursuant to Penal Code section 12081.

**NOTE**

Authority cited: Sections 12071, 12072, 12078, 12081, 12084 and 12800-12809, Penal Code. Reference: Sections 12071, 12072, 12078, 12081, 12084 and 12800-12809, Penal Code.

**HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

## Article 2. Definitions

### § 967.10. Definition of Key Terms.

- (a) The term “basic firearms eligibility check” or “BFEC” means a check of files in the National Crime Information Center (NCIC) and California Department of Justice that determines, at the time the check was performed, and based upon available information, that the individual was not prohibited from acquiring or possessing a firearm pursuant to Penal Code sections 12021, 12021.1, Welfare and Institutions Code sections 8100 and 8103, and Title 27, Part 178.32 of the Code of Federal Regulations. A BFEC uses identity and age information obtained from a California Driver License (CDL) or Department of Motor Vehicle Identification (DMV ID) pursuant to Penal Code section 12071(c)(1).
- (b) The term “Basic Firearms Safety Certificate” or “BFSC” means a DOJ certificate that is purchased from the Department by a DOJ Course Provider or a DOJ Certified Instructor to be subsequently issued to an individual who has completed a basic firearms safety course or passed a basic firearms safety test pursuant to Penal Code sections 12800 - 12809.
- (c) The term “BFSC applicant” means an individual who attempts to obtain a BFSC by successfully completing or passing a DOJ Video Course, a DOJ Objective Test, or a DOJ Certified Course.
- (d) The term “BFSC exemption” refers to Penal Code section 12081(a)-(f), wherein specified individuals and handgun transactions are not required to obtain a BFSC.
- (e) The term “BFSC holder” means an individual that has been issued a BFSC after successfully completing or passing a DOJ Objective Test, DOJ Video Course, or DOJ Certified Course.
- (f) The term “BFSC Workbook” refers to a DOJ publication on basic firearms safety developed pursuant to Penal Code section 12803(a)(2) for use as an instructional manual by BFSC applicants. The BFSC Workbook is incorporated into these regulations by reference.
- (g) The term “California Driver License” or “CDL” means a form of identification issued by the California Department of Motor Vehicles, which may be used as clear evidence of identity and age pursuant to Penal Code section 12071(c)(1).
- (h) The term “Centralized List” means the list maintained by the Department of Justice of all persons licensed to sell or transfer firearms pursuant to Penal Code section 12071.
- (i) The term “Certificate of Eligibility” or “COE” refers to a certificate issued by DOJ pursuant to Penal Code section 12071(a)(4) to an individual after a check of files in NCIC and DOJ determines, at the time the check was performed, and based upon available information, that the individual was not prohibited from acquiring or

possessing a firearm pursuant to Penal Code sections 12021, 12021.1, Welfare and Institutions Code sections 8100 and 8103, and Title 27, Part 178.32 of the Code of Federal Regulations. A COE uses fingerprints to verify identity and age information.

- (j) The term “Dealer's Record of Sale of Firearm Worksheet” or “DROS” means a record of information necessary to process the sale, loan, or other transfer of a firearm by a firearms dealer as required by Penal Code section 12071. The contents of this form are prescribed by Penal Code section 12077.
- (k) The term “Department” or “DOJ” means the Department of Justice of the State of California.
- (l) The term “Department of Motor Vehicle Identification” or “DMV ID” means a form of identification issued by the California Department of Motor Vehicles, which may be used as clear evidence of identity and age pursuant to Penal Code section 12071(c)(1).
- (m) The term “DOJ BFSC Employee Proxy” or “proxy” means a DOJ Course Provider's designated employee who is authorized to administer a BFSC course or test and issue a BFSC subsequent to a BFSC applicant's successful completion of a DOJ Video Course or upon passing a DOJ Objective Test pursuant to Penal Code section 12805(b).
- (n) The term “DOJ BFSC Roster” or “roster” is a record maintained by DOJ Certified Instructors and DOJ Course Providers of BFSC applicant information on individuals for whom DOJ Certified Instructors and DOJ Course Providers issued a BFSC, as well as individuals who attempted but failed to pass a BFSC test/course.
- (o) The term “DOJ Certified Course” means a DOJ approved basic firearms safety course developed and administered by a DOJ Certified Instructor.
- (p) The term “DOJ Certified Instructor” means a person who has been certified to issue BFSCs to BFSC applicants upon their successful completion of one of the following: a DOJ Video Course; a DOJ Objective Test; or, a DOJ Certified Course.
- (q) The term “DOJ Course Provider” means a firearms dealer who has been certified by DOJ to issue BFSCs to BFSC applicants upon their successful completion of either a DOJ Video Course or a DOJ Objective Test.
- (r) The term “DOJ Objective Test” means a multiple choice test consisting of 30 basic firearms safety questions developed by DOJ pursuant to Penal Code section 12803.
- (s) The term “DOJ Video Course” means a basic firearms safety course developed by DOJ pursuant to Penal Code section 12803(a)(2) which requires the use of a BFSC Workbook while viewing a DOJ basic firearms safety video.
- (t) The term “DROS Entry System” or “DES” refers to the electronic/telephonic system used by DOJ to collect and process Dealer's Record of Sale (DROS) information.

- (u) The term “firearms dealer” or “dealer” means an individual that is on the Centralized List pursuant to Penal Code section 12071(a)(1)(A)-(F).
- (v) The term “handgun” means a pistol, revolver, or other firearm capable of being concealed upon a person as defined in Penal Code section 12001.
- (w) The term “immediate family member” means either of the following relationships: parent and child; or, grandparent and grandchild as defined in Penal Code section 12078(c).

#### **NOTE**

Authority cited: Sections 12071, 12072, 12078, 12081 and 12800-12809, Penal Code; Reference: Sections 12001, 12021, 12021.1, 12071, 12072, 12078, 12081 and 12800-12809, Penal Code; Sections 8100 and 8103, Welfare and Institutions Code; and Title 27, Part 178.32 of the Code of Federal Regulations.

#### **HISTORY**

1. New article 2 (section 967.10) and section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

### **Article 3. Requirements, Qualifications, and Revocation and Denial**

#### **§ 967.15. BFSC Applicant - Lost, Stolen, Destroyed, and Replacement BFSC.**

- (a) No BFSC shall be issued to an applicant who does not meet the following requirements:
  - (1) All BFSC applicants must be at least 21 years old. Exceptions will apply only for “immediate family member” transfers where the person receiving the handgun is between 18 and 21 years of age pursuant to Penal Code section 12078(c) and 12072(a)(3)(A).
  - (2) All BFSC applicants shall present clear evidence of identity and age by presenting a CDL or a DMV ID as set forth in Penal Code section 12071(c)(1).
- (b) BFSC holders shall report lost, stolen, or destroyed BFSCs to DOJ by submitting a letter to DOJ with the following: their name; CDL or DMV ID number; the BFSC number (if known); and, the date the BFSC was lost, stolen, or destroyed. In lieu of this letter, the submission of information as indicated in subsection (c) of this section meets this requirement.

- (c) Any BFSC holder who is no longer in possession of his or her original BFSC because it was lost, stolen, or destroyed, may request a duplicate BFSC on a form prescribed by the Department or a letter that provides the following information: applicant's name; date of birth; address; CDL number or DMV ID number; business where BFSC was issued (if known); previous BFSC number (if known); name and address of dealership/DOJ Certified Instructor or DOJ Course Provider (if known); and, by which method the BFSC was obtained. The form or letter must be submitted to the Department with a copy of a valid CDL (not a temporary) or a DMV ID (not a temporary) and a five-dollar (\$5) processing fee pursuant to Penal Code section 12807(b).

#### NOTE

Authority cited: Sections 12071(c)(1), 12072(a)(3)(A), 12078(c)(2) and 12800-12809, Penal Code. Reference: Sections 12071(c)(1), 12072(a)(3)(A), 12078(c)(2) and 12800-12809, Penal Code.

#### HISTORY

1. New article 3 (sections 967.15-967.40) and section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.20. Firearms Dealer.** In accordance with Penal Code sections 12071(b)(8), 12072(c)(5), and 12081, no firearms dealer shall deliver a handgun unless the requirements set forth in subsections (a) or (b) of this section have been met, as follows:

- (a) If the purchaser, transferee, or person being loaned the handgun has a BFSC, the firearms dealer shall:
- (1) Verify identity and age of the BFSC holder by using a CDL or a DMV ID as set forth in Penal Code section 12071(c)(1); and,
  - (2) Record the BFSC number on the Dealer's Record of Sale of Firearm Worksheet and submit it to DOJ through the DROS Entry System (DES).
- (b) If the purchaser, transferee, or person being loaned the handgun has a BFSC Exemption pursuant to Penal Code section 12081, the firearms dealer shall:
- (1) Verify the identity and age of the person in possession of the BFSC exemption by using a CDL or a DMV ID as set forth in Penal Code section 12071(c)(1);
  - (2) Keep a photocopy of the exemption documentation with the Dealer's Record of Sale of Firearm Worksheet in sequential order by date for three years from the date of the transaction. In the case of federal credentials, firearms dealers are only required to record the individual's name, federal agency, and credential number rather than photocopy the exemption document, which would be in violation of Title 18, section 701, of the Federal Criminal Code; and,

- (3) Record a BFSC exemption code on the Dealer's Record of Sale of Firearm Worksheet and submit it to DOJ through the DES using the following DOJ designated alphanumeric codes:
- (A) X11 = California Firearms Dealer
  - (B) X12 = Importer or Manufacturer
  - (C) X13 = Collector with a COE purchasing a curio or relic handgun
  - (D) X21 = Military - Active Duty
  - (E) X22 = Military - Reserve
  - (F) X23 = Military - Retired
  - (G) X24 = Military - Honorably Discharged
  - (H) X31 = Peace Officer - California - Active
  - (I) X32 = Peace Officer - Federal - Active
  - (J) X33 = Peace Officer - Honorably Retired
  - (K) X41 = Carry Concealed Weapon (CCW) Permit Holder
  - (L) X51 = California Department of Fish and Game Hunter Safety Training
  - (M) X52 = California Hunting License
  - (N) X61 = DOJ Certified Instructor (BFSC)
  - (O) X71 = Director Civilian Marksmanship (DCM) Participant
  - (P) X81 = P. O. S. T. 832 PC (Firearm) Training
  - (Q) X91 = Particular and Limited Authority Peace Officers
  - (R) X93 = California Department of Consumer Affairs - Firearm Training
  - (S) X94 = California Department of Consumer Affairs - Firearm Instructor
  - (T) X95 = Law Enforcement Service Gun to Family Member.

**NOTE**

Authority cited: Sections 12071(b)(8), 12072(c)(5), 12076(c)(3), 12081 and 12800-12809, Penal Code; and Title 18, Section 701, Federal Criminal Code. Reference: Sections 12071(b)(8), 12072(c)(5), 12081 and 12800-12809, Penal Code; and Title 18, Section 701, Federal Criminal Code.

**HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.25. DOJ Certified Instructor.**

- (a) A DOJ Certified Instructor may administer a DOJ Objective Test, a DOJ Video Course, and/or a DOJ Certified Course after he or she obtains a valid DOJ Certified Instructor certificate.
- (b) Applications for a DOJ Certified Instructor certificate shall be filed on a DOJ Certified Instructor Application/Renewal form which will require the following information: applicant's name; date of birth; gender identification; COE number and expiration date (if possessed); CDL number or DMV ID number; languages spoken other than English (optional); home address; business address; mailing address; business and home telephone numbers; qualification criteria (as defined by subsection (e) of this section); documentation of qualification criteria; signature; and, date.
- (c) The DOJ Certified Instructor applicant must not be prohibited from acquiring or possessing a firearm as set forth in the Dangerous Weapons' Control Law and any related regulations. The applicant must demonstrate that he or she is not prohibited from possessing firearms by either presenting a valid Certificate of Eligibility (COE) issued by DOJ or by the passing of a basic firearms eligibility check (BFEC) conducted by DOJ subsequent to the receipt of the application.
- (d) If at any time the DOJ Certified Instructor does not meet the requirements in subsection (c) of this section, the DOJ Certified Instructor certificate shall no longer be valid and shall be canceled.
- (e) In addition to the requirements in subsections (b) and (c) of this section, DOJ Certified Instructor applicants shall meet at least one of the following qualification criteria:
  - (1) Certification from a nationally recognized organization that fosters safety in firearms or any entity found by the Department to give competent instruction in basic firearms safety. Pursuant to Penal Code section 12803(a)(3), the following nationally recognized organizations and entities qualify:

- (A) Department of Consumer Affairs, State of California - Firearm Training Instructor.
  - (B) Department of Fish and Game, State of California - Hunting Safety Instructor.
  - (C) Director of Civilian Marksmanship - Instructor and/or Rangemaster.
  - (D) Federal Bureau of Investigation, Federal Government - Certified Rangemaster and/or Firearm Instructor.
  - (E) Federal Law Enforcement Training Center - Firearm Instructor Training Program and/or Rangemaster.
  - (F) Gun Manufacturer's Training - Instructor and/or Rangemaster (Note: Armorer courses are not sufficient).
  - (G) United States Military - Military Occupational Specialty (MOS) as marksmanship and/or firearms instructor (Note: Assignment as Range Officer or Safety Officer are not sufficient).
  - (H) National Rifle Association - Certified Instructor, Law Enforcement Instructor, Rangemaster, and/or Training Counselor.
  - (I) Commission on Peace Officer Standards and Training (POST), State of California - Firearm Instructor and/or Rangemaster.
- (2) Authorization from a State of California accredited school to teach a firearm training course (e.g., California State University or community college).
- (f) The DOJ Certified Instructor certificate shall expire three years from the date of issuance. To continue participation in the BFSC Program, it is the responsibility of each DOJ Certified Instructor to submit a completed and signed renewal application on the same form prescribed in subsection (b) of this section, prior to the expiration period. The renewal applicant must also meet the requirements of subsection (c) of this section.
  - (g) DOJ Certified Instructors may develop their own basic firearms safety course to be certified as set forth in section 967.50(b).
  - (h) As a provider of a DOJ Objective Test, the DOJ Video Course, and/or a DOJ Certified Course, the DOJ Certified Instructor must provide test applicants with a physical environment conducive to taking the test or completing a course in an area within the State of California. This area must be free from distractions and excessive noise which would be disruptive to the applicant taking the test or completing the course.



- (i) If a BFSC applicant passes a DOJ Objective Test or successfully completes a DOJ Video Course or a DOJ Certified Course, pursuant to Penal Code sections 12805(d), 12808, and 12809(b), the DOJ Certified Instructor shall immediately issue a BFSC, as follows:
  - (1) Verify the identity and age of the BFSC applicant by using a CDL or a DMV ID as set forth in Penal Code section 12071(c)(1).
  - (2) Fill out the BFSC by typing or printing clearly in ink the applicant's name, sex, color of hair, color of eyes, height, weight, date of birth, CDL or DMV ID number, signature of issuing DOJ Certified Instructor, DOJ Certified Instructor number, and date of examination.
  - (3) Require the BFSC applicant to sign the BFSC immediately upon receipt.

**NOTE**

Authority cited: Sections 12803, 12805 and 12808, Penal Code.

Reference: Sections 12021, 12021.1, 12803, 12805 and 12808, Penal Code; Sections 8100 and 8103, Welfare and Institutions Code; and Title 27, Part 178.32 of the Code of Federal Regulations.

**HISTORY**

- 1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.30. DOJ Course Provider.**

- (a) A firearms dealer may administer a DOJ Objective Test and/or the DOJ Video Course after he or she obtains a valid DOJ Course Provider certificate.
- (b) Applications for a DOJ Course Provider certificate shall be filed on a DOJ Course Provider Application form prescribed by the Department which requires the following: applicant's name; date of birth; gender identification; dealership name and number, if any; dealership physical address; dealership mailing address; dealership telephone number; dealership facsimile number; languages spoken other than English (optional); Centralized List firearms dealer number; signature line; and date.
- (c) The DOJ Course Provider certificate shall expire three years from the date of issuance. To continue participation in the BFSC Program, each DOJ Course Provider shall update and submit to the Department a completed and signed renewal application on the same form prescribed in subsection (b) of this section, prior to the expiration of his or her DOJ Course Provider certificate.
- (d) If the DOJ Course Provider is not among those in the Centralized List as a licensed firearms dealer, the DOJ Course Provider certificate is no longer valid and shall be canceled.

- (e) As a provider of a DOJ Objective Test and/or the DOJ Video Course, a DOJ Course Provider must provide BFSC applicants with a physical environment conducive to taking the test or completing a course in an area within the State of California. This area must be free from distractions and excessive noise which would be disruptive to the applicant taking the test or completing the course.
- (f) If a BFSC applicant passes a DOJ Objective Test or successfully completes a DOJ Video Course, pursuant to Penal Code sections 12805(d) and 12809(b), the DOJ Course Provider shall immediately issue a BFSC, as follows:
  - (1) Verify the identity and age of the BFSC applicant by using a CDL or a DMV ID as set forth in Penal Code section 12071(c)(1).
  - (2) Fill out the BFSC by typing or printing clearly in ink the applicant's name, sex, color of hair, color of eyes, height, weight, date of birth, CDL or a DMV ID number, signature of issuing DOJ Course Provider, centralized list dealer number, and date of examination.
  - (3) Require the BFSC applicant to sign the BFSC immediately upon receipt.

**NOTE**

Authority cited: Sections 12071 and 12800-12809, Penal Code.

Reference: Sections 12071 and 12800-12809, Penal Code.

**HISTORY**

- 1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.35. DOJ BFSC Employee Proxy.**

- (a) A firearms dealer possessing a DOJ Course Provider certificate may designate any of his or her employee(s) as a DOJ BFSC Employee Proxy upon completion of a DOJ BFSC Employee Proxy Agreement. The proxy is thereby certified to administer either a DOJ Objective Test, or the DOJ Video Course to a BFSC applicant.
- (b) In order to qualify an employee as a DOJ BFSC Employee Proxy, a DOJ Course Provider shall have on file a DOJ BFSC Employee Proxy Agreement at their place of business, that includes the following information: dealership name; Centralized List dealer number; dealership physical address; dealership mailing address; dealership telephone number; name of DOJ Course Provider; name of DOJ BFSC Employee Proxy; CDL or DMV ID number of proxy; employee number of proxy (if applicable); indication of test method provided; and, a signed and dated declaration of compliance with the Dangerous Weapons' Control Law statutes and related regulations by the DOJ Course Provider and his or her designated employee.

- (c) The DOJ agreement authorizing a DOJ BFSC Employee Proxy to administer a BFSC test/course is no longer valid and is canceled when any or all of the following occurs: it is rescinded by either party signing the agreement; the designated proxy is no longer an employee of the DOJ Course Provider; or, the DOJ Course Provider is not on the Centralized List.
- (d) The DOJ Course Provider is responsible for ensuring his or her DOJ BFSC Employee Proxy has complied with the Dangerous Weapons' Control Law statutes and related regulations.

**NOTE**

Authority cited: Sections 12071(c)(1) and 12800-12809, Penal Code.

Reference: Sections 12071 and 12800-12809, Penal Code.

**HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.40. Revocation and Denial of Certification.**

- (a) The certificate of any DOJ Certified Instructor, and any DOJ Course Provider may be denied, revoked, suspended, or placed on probation for failure to comply with the Dangerous Weapons' Control Law commencing with Penal Code section 12000 and any applicable DOJ regulation.
- (b) All procedures and hearings related to the denial, revocation, suspension, or placement on probation of a DOJ Certified Instructor or a DOJ Course Provider, for failure to comply with the Dangerous Weapons' Control Law commencing with Penal Code section 12000 and any applicable DOJ regulations, shall be conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

**NOTE**

Authority cited: Sections 12803(c) and 12805(c), Penal Code. Reference:

Sections 12000 and 12805(c), Penal Code; and Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 Government Code.

**HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**Article 4. BFSC Test/Course Requirements**

**§ 967.45. DOJ Objective Test/DOJ Video Course.**

- (a) In addition to statutory requirements of Penal Code sections 12072(e), 12803, 12805, and 12809, the following requirements shall also apply to taking and passing a DOJ Objective Test:
  - (1) In preparation for taking a DOJ Objective Test, the BFSC applicant may review the BFSC Workbook or any portion of the DOJ Video Course.
  - (2) In addition to the requirements of Penal Code section 12072(e), the BFSC applicant shall not use any notes or review materials, or otherwise cheat while taking a DOJ Objective Test.
  - (3) Pursuant to Penal Code section 12803(a)(4), in order to pass the DOJ Objective Test, the BFSC applicant shall respond correctly to at least 23 out of 30 questions on an Objective Test Answer Sheet prescribed by the Department which includes the applicant's name, address, date of birth, CDL or DMV ID number, gender identification, date of test, test version, and score.
- (b) The following requirements shall apply to completing the DOJ Video Course:
  - (1) The applicant shall be provided with the BFSC Workbook and a DOJ Video Course Instruction Sheet (BCIA 4103(a) (Rev 7/98) or BCIA 4103(b) (Rev 7/98)), which is incorporated into these regulations by reference.
  - (2) The DOJ Certified Instructor, DOJ Course Provider, or their designated DOJ BFSC Employee Proxy shall ensure that the BFSC applicant was present and attentive during the entire two-hour DOJ Video Course.

**NOTE**

Authority cited: Sections 12072(e), 12803, 12805 and 12809, Penal Code.

Reference: Sections 12803(a), 12805 and 12808, Penal Code.

**HISTORY**

**§ 967.50. DOJ Certified Course.**

- (a) The following requirements shall apply to completing the DOJ Certified Course:
  - (1) The applicant shall be provided with the BFSC Workbook.
  - (2) The applicant shall be required to complete the entire course and comply with all the DOJ Certified Course requirements.
- (b) To obtain authorization from DOJ to use an existing or newly created course in basic firearms safety as a DOJ Certified Course, a DOJ Certified Instructor shall meet the following requirements:

- (1) The entire Application for Department of Justice Course Certification form including the minimum qualifications checklist (as described in subsection (b)(2) of this section) shall be completed and forwarded to DOJ with the following: applicant's name; name of course; whether the application is for a new or renewal certification; mailing address; telephone number; date of application; and, a signed statement certifying compliance with all of the minimum qualifications and requirements as specified in the BFSC regulations. In the outline or lesson plan submitted for DOJ certification, the "Location within Course" column must indicate the specific alpha/numeric section (or page and line number(s)) where each of the minimum qualification requirements are located. The course outline or lesson plan must be in the following format:
  - (A) Be typed or printed in ink;
  - (B) Be double spaced;
  - (C) Identify each section of the course outline or lesson plan by letter or number; and,
  - (D) Include a heading with the following:
    1. Basic Firearms Safety Certificate Program;
    2. Name of person submitting the course; and,
    3. Name of course.
- (2) A DOJ Certified Course outline or lesson plan must contain the minimum basic firearms safety criteria referenced on the minimum qualifications checklist prescribed by the Department that includes the following:
  - (A) Handgun Operation: How to load and unload revolvers; how to load and unload semiautomatic pistols; the function of a safety on semiautomatic pistols.
  - (B) The Five Basic Gun Safety Rules: Treat all guns as if they are loaded; keep the gun pointed in the safest possible direction; always keep your finger off the trigger until you are ready to shoot; know your target and its surroundings; and, store your gun and ammunition safely and securely when not in use.
  - (C) Additional Safety Considerations: It is unsafe to handle firearms while under the influences of alcohol and drugs; use only the exact caliber of ammunition recommended by the gun manufacturer; and, be aware of penetration capabilities of the ammunition being used.

- (D) Cleaning and Repair: Specific cleaning information should be obtained from a firearm owner's manual, a firearms dealer, or a competent gunsmith; handguns should be cleaned regularly and especially after prolonged storage; be aware that some substances used to clean firearms are toxic; firearm repairs should be made only by the gun manufacturer or a competent gunsmith; and, any modification to a handgun may be dangerous, may be unlawful, and may void the manufacturer's warranty.
  - (E) Firearms Storage: Firearms must be unloaded when in storage; firearms and ammunition should be stored separately; firearms must be securely locked when in storage; and, discussion of the different types of locking containers and locking devices available including: commercial safes and vaults, locking security boxes, trigger locks, and chain and cable open action locks.
  - (F) Children and Firearms: Comply with Criminal Storage Laws; If children are or may be in the home, additional childproofing steps should be taken such as using both a trigger/action lock and a locked container; adults must teach children the difference between "real" and "make believe"; children should be taught that if they see a gun they should: STOP, DON'T TOUCH, LEAVE THE AREA, TELL AN ADULT; and, adults must be positive role models by emphasizing and practicing firearms safety.
  - (G) The Responsibilities of Handgun Ownership: Know, understand, and comply with all federal, state, and local laws regarding handgun ownership; know and practice basic firearms safety rules at all times; ensure that all family members of the household know and understand firearms safety; possess the knowledge and ability to safely operate all handguns owned; be sure that all handguns owned are safe to operate; and, use safe storage/childproofing devices for all handguns.
  - (H) The Laws Applicable to Carrying and Handling of Handguns: Persons ineligible to possess firearms; sales or transfer of firearms; firearms in the home, business, or campsite; carrying a concealed firearm, loaded firearms in public; and, miscellaneous prohibited acts with firearms.
- (3) The certification of a DOJ Certified Course expires five years from the date of certification. To renew certification of their DOJ Certified Course, a DOJ Certified Instructor shall submit a completed and signed renewal course application in the same manner as required for the initial application in subsection (b) of this section.
  - (4) The certification of a DOJ Certified Course is no longer valid and shall be canceled if the Department determines that the DOJ Certified Course does not contain instruction on all of the requirements listed in subsection (b)(2) of this section.

**NOTE**

Authority cited: Sections 12803, 12805 and 12808, Penal Code.

Reference: Sections 12803, 12805 and 12808, Penal Code.

**HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**Article 5. Security and Record Keeping Requirements**

**§ 967.55. Security.**

- (a) Each DOJ Certified Instructor, DOJ Course Provider, and DOJ BFSC Employee Proxy is responsible for ensuring the security and maintaining the integrity of the BFSC testing materials. To ensure that access to testing materials is restricted to only those persons authorized to administer a BFSC test/course, all testing materials shall be kept in a secured locked area free from public view. Reproduction in any manner of the BFSC testing materials is prohibited.
- (b) In accordance with the restrictions of Penal Code section 12072(e), if a DOJ Certified Instructor, a DOJ Course Provider, or a DOJ BFSC Employee Proxy observes a BFSC applicant using reference materials or receiving assistance from other individuals while taking the DOJ Objective Test, the applicant automatically fails the test. The DOJ Certified Instructor, DOJ Course Provider or their designated proxy must note his or her observations and reasons for failing the applicant on the back of the applicant's Objective Test Answer Sheet and sign and date it.
- (c) BFSC applicants may receive assistance if they are unable to take a DOJ Objective Test due to an inability to read or understand the language of the test. The assistance may only be provided by a DOJ Certified Instructor, a DOJ Course Provider, a DOJ BFSC Employee Proxy, or an individual certified as an interpreter by a federal, state, or local governmental agency. Only the language of a DOJ Objective Test may be interpreted. No further explanation of the questions or answers to the questions may be provided. BFSC applicants will be allowed to seek assistance from a translator or interpreter of their own choosing during the DOJ Video Course.

**NOTE**

Authority cited: Sections 12072(e), 12803 and 12809, Penal Code.

Reference: Sections 12072(e), 12803 and 12809, Penal Code.

**HISTORY**

1. New article 5 (sections 967.55-967.60) and section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.60. Record Keeping.**

- (a) Pursuant to Penal Code section 12802(a), the DOJ Certified Instructor and the DOJ Course Provider shall provide the Department with a record of BFSC applicants on either a duplicate DOJ BFSC Roster or their individual form which includes the following information: reporting month and year; date BFSC was issued; BFSC number; BFSC test method; applicant identification information (name, address, CDL or DMV ID number; date of birth; gender identification); date of signature; and, DOJ Course Provider Information (firearms dealer number or COE number; business address; and business telephone number) or DOJ Certified Instructor Information (DOJ Certified Instructor number; business or location of course address; name and CDL or DMV ID number; and telephone number).
- (b) Pursuant to Penal Code sections 12805(f) and 12802(a), the DOJ Certified Instructor and DOJ Course Provider shall submit the original copy of the DOJ BFSC Roster or their individual form to the Department by the fifth working day following the end of the month being reported. If no BFSCs were issued during the month, the roster or individual form does not need to be submitted.
- (c) As referenced in Penal Code section 12071(b)(8), all BFSC records (including but not limited to: DOJ Objective Test Answer Sheets, DOJ BFSC Rosters (or individual form), BFSC exemption documents, and DOJ BFSC Employee Proxy Agreements) must be maintained for three years from the date of use or three years from the date the agreement is no longer valid by the DOJ Certified Instructor and DOJ Course Provider within the State of California and be made available to the Department upon request in accordance with the requirements of Penal Code section 12071(f).

**NOTE**

Authority cited: Sections 12071(b)(8), 12071(f), 12802(a), 12804 and 12802(a), Penal Code. Reference: Sections 12071(b)(8), 12071(f), 12802(a), 12804 and 12802(a), Penal Code.

**HISTORY**

- 1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**Article 6. Fees, Refunds, Replacements, and Processing Time**

**§ 967.65. Fees.**

- (a) Costs to DOJ Certified Instructors and DOJ Course Providers:
  - (1) Pursuant to Penal Code section 12806(a), the charge is \$10.00 per certificate to cover the ongoing cost of administering the BFSC Program. BFSCs are



sequentially numbered, non-transferable, and sold in sets of ten for one hundred dollars (\$100.00) to DOJ Certified Instructors and DOJ Course Providers.

(b) Costs to BFSC applicants:

- (1) DOJ Objective Test fees - Pursuant to Penal Code section 12809, the Department has set the fee for taking a DOJ Objective Test at a maximum of \$20; which includes the \$10 BFSC fee prepaid by the DOJ Certified Instructor or DOJ Course Provider. The DOJ Certified Instructor and DOJ Course Provider can choose to charge less than the \$20 fee to the applicant.
- (2) DOJ Video Course fees - The applicant's fee for taking the DOJ Video Course is determined by the DOJ Certified Instructor or the DOJ Course Provider to cover the costs of giving the course and includes the \$10 BFSC fee prepaid by the DOJ Certified Instructor or DOJ Course Provider.
- (3) DOJ Certified Course fees - The applicant's fee for taking the DOJ Certified Course is determined by the DOJ Certified Instructor or the DOJ Course Provider to cover the costs of giving the course and includes the \$10 BFSC fee prepaid by the DOJ Certified Instructor.
- (4) Pursuant to Penal Code section 12806(b), the charge is \$5.00 for processing a request for a duplicate BFSC submitted pursuant to subsection (c) of section 967.15 of these regulations.

**NOTE**

Authority cited: Sections 12806 and 12809, Penal Code. Reference: Sections 12806 and 12809, Penal Code.

**HISTORY**

1. New article 6 (sections 967.65-967.85) and section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

**§ 967.70. Refunds.**

- (a) BFSC Program Non-Participation or Disqualification: DOJ Course Providers and DOJ Certified Instructors who have discontinued participation or are no longer eligible to participate in the BFSC Program may return remaining BFSCs for a refund.
- (b) Lost BFSC Orders: A refund is available if 30 days has elapsed since the date the order was mailed by the Department and if the order was not received by the DOJ Certified Instructor or DOJ Course Provider who placed the order.

**NOTE**

Authority cited: Sections 12800-12809, Penal Code. Reference: Sections 12800-12809, Penal Code.

#### **HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

#### **§ 967.75. Replacements.**

- (a) Upon submission of ten voided BFSCs the Department will issue, without cost, a replacement set of ten BFSCs to the DOJ Course Provider or DOJ Certified Instructor.

#### **NOTE**

Authority cited: Section 12803, Penal Code. Reference: Sections 12800-12809, Penal Code.

#### **HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

#### **§ 967.80. Application Processing Time.**

- (a) The following time standards apply to the processing of applications for DOJ Certified Instructors and DOJ Course Providers:
  - (1) Within 30 days after the date of receipt of an initial or renewal application, the Department shall either inform the applicant, in writing, that the application is complete and accepted for processing, or return the application as deficient and specify what information is required.
  - (2)
    - (A) Within 90 days from the date of receipt of a completed initial application, the Department shall conclude the processing of the application.
    - (B) Within 90 days from the date of receipt of a completed application for a renewal, the Department shall conclude the processing of the application.
- (b) The minimum, median, and maximum time periods for processing an initial or renewal application from the date of receipt of a completed application to the final determination are as follows:
  - (1) For processing an initial application:
    - (A) Minimum time: 20 days
    - (B) Median time: 40 days

- (C) Maximum time: 90 days
- (2) For processing a renewal application:
  - (A) Minimum time: 20 days
  - (B) Median time: 40 days
  - (C) Maximum time: 90 days
- (c) If the Department fails to meet the maximum time period for the processing of an initial or a renewal certificate, the applicant, within 30 days of the final decision granting or denying the application, may apply in writing for a full reimbursement of any fees. The Department shall respond within 14 working days of receipt of a request for reimbursement; and, if the reimbursement is denied by the Department, the applicant may directly appeal the denial, in writing, to the Attorney General. The appeal shall set forth a concise statement of facts and chronology of events regarding the application. An appeal concerning an application on which reimbursement is denied must be filed within 30 days of the date the applicant was notified of the denial. The appeal shall promptly be reviewed and a decision shall be issued within 30 days after conducting any investigation of the matter which the Attorney General deems appropriate. Unless otherwise prohibited by law or these regulations, this appeal shall be decided in the applicant's favor if the Department has exceeded its maximum time period for the issuance or denial of the certificate and the Department has failed to establish good cause for exceeding this time period. The Department shall include the information regarding this appeal process on all application denials.

#### **NOTE**

Authority cited: Sections 15376 and 15378, Government Code. Reference: Sections 15376 and 15378, Government Code.

#### **HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).

### **§ 9 67.85. DOJ Certified Course Processing Time.**

- (a) The following time standards apply to the processing of applications for a DOJ Certified Course:
  - (1) Within 30 days after the date of receipt of an initial or renewal application, the Department shall either inform the applicant, in writing, that the application is complete and accepted for processing, or return the application as deficient and specify what information is required.

- (2) (A) Within 120 days from the date of receipt of a completed initial application, the Department shall conclude the processing of the application.
  - (B) Within 120 days from the date of receipt of a completed application for a renewal, the Department shall conclude the processing of the application.
- (b) The minimum, median, and maximum time periods for processing an initial or renewal application from the date of receipt of a completed application to the final determination are as follows:
  - (1) For processing an initial application:
    - (A) Minimum time: 30 days
    - (B) Median time: 60 days
    - (C) Maximum time: 120 days
  - (2) For processing a renewal application:
    - (A) Minimum time: 30 days
    - (B) Median time: 60 days
    - (C) Maximum time: 120 days
- (c) If the Department fails to meet the maximum time period for the processing of an initial or a renewal certificate, the applicant, within 30 days of the final decision granting or denying the application, may apply in writing for a full reimbursement of any fees. The Department shall respond within 14 working days of receipt of a request for reimbursement; and, if the reimbursement is denied by the Department, the applicant may directly appeal the denial, in writing, to the Attorney General. The appeal shall set forth a concise statement of facts and chronology of events regarding the application. An appeal concerning an application on which reimbursement is denied must be filed within 30 days of the date the applicant was notified of the denial. Unless otherwise prohibited by law or these regulations, the appeal shall promptly be reviewed and a decision shall be issued within 30 days after conducting any investigation of the matter which the Attorney General deems appropriate. This appeal shall be decided in the applicant's favor if the Department has exceeded its maximum time period for the issuance or denial of the certificate and the Department has failed to establish good cause for exceeding this time period. The Department shall include the information regarding this appeal process on all application denials.

**NOTE**

Authority cited: Sections 15376 and 15378, Government Code. Reference: Sections 15376 and 15378, Government Code.

**HISTORY**

1. New section filed 3-30-99; operative 4-29-99 (Register 99, No. 14).