

California Code of Regulations

Title 11, Division 5

Chapter 5. Laboratory Certification of Handgun Testing

Article 2. Definition of Key Terms

§ 4049. Definition of Key Terms.

- (a) “ATF” means the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (b) “COE” means a Certificate of Eligibility issued by the California Department of Justice pursuant to Penal Code section 26710, subdivisions (a) through (c) after a check of state and federal files has determined that at the time the check was performed, and based upon available information, the applicant was not a person who was prohibited from possessing firearms pursuant to state and federal laws.
- (c) “Completed Application” means a completed Application for ~~DOJ-Certification~~ Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference; copies of any applicable licenses and/or certificates; any additional sheets used to provide full and complete answers to questions on the application; copies of the laboratory's written procedures relating to security and prohibited persons; and the application fee.
- (d) “Compliance Test Report” means a report completed by a DOJ-Certified Laboratory, Compliance Test Report (Handguns), Form BOF 021 (Rev. 07/2018), hereby incorporated by reference after a handgun model has met the requirements of Penal Code sections 31900 and 31905 and these regulations.
- (e) “Corporation” means any entity organized under California Corporations Code section 102, subdivision (a) or similar statute if not a California corporation.
- (f) “Day” means a calendar day unless otherwise specified in these regulations.
- (g) “DOJ” means the California Department of Justice.
- (h) “DOJ-Certification” means the DOJ certificate issued as evidence of compliance with the DOJ laboratory certification requirements as set forth in these regulations.
- (i) “DOJ-Certified Laboratory” means a laboratory that has applied for and been granted DOJ-Certification.
- (j) “FIN” means the firearm identification number comprised of a unique array of characters that identify the make, model, and serial number of each pistol subject to the microstamping requirement for semiautomatic pistols set forth in Penal Code section 31910, subdivision (b)(7) and which can be used to identify the pistol when it is traced through DOJ's Automated Firearms

System (AFS). The FIN shall consist of at least eight, but no more than 12, unique alpha and/or numeric characters that must begin with the manufacturer's NCIC MAK code.

(k) “Firm” means a business unit, enterprise, or partnership of two or more persons, that is not recognized as a legal person distinct from the members comprising the entity.

(l) “Identical magazines” means magazines submitted for, and used during, testing shall not be of a higher functional quality, which might result in improved performance from those provided to retail customers.

(m) “Local license” means any regulatory and/or business license issued by a city, county, and/or other local government agency.

(n) “Manufacturer/Importer” means either a manufacturer of domestically produced handguns or, if one exists, a legal successor in interest or another person with the consent of the manufacturer; and/or a federally licensed importer of foreign manufactured handguns.

(o) “Model” means the manufacturer's/importer's designation which uniquely identifies a specific design of handgun subject to the descriptive limitations imposed by Penal Code section 32030, subdivision (a).

(p) “Pistol” means a handgun in which the chamber is part of the barrel. A pistol can either be semiautomatic or non-semiautomatic, but not fully automatic.

(q) “Primed Case” means metallic containers that hold a live primer without a bullet and/or propellant powder.

~~(q)~~ (r) “Reasonable access” means that areas and/or items to be inspected by an authorized DOJ employee are free from physical obstruction and/or other impediments that would make access difficult and/or unsafe.

~~(s)~~ (s) “Refined or modified” means an improvement applied to the test handguns, that is not made to retail handguns, which may result in improved performance during testing. Refining or modifying a handgun includes, but is not limited to, using material preparation, assembly techniques, or break-in processes that are different from those used to produce retail models.

~~(s)~~ (t) “Responsible party” includes, but is not limited to, firearm manufacturers/importers and law enforcement agencies.

~~(u)~~ (u) “Revolver” means a handgun with a cylinder having several chambers so arranged as to rotate around an axis and be discharged successively by the same firing mechanism through a common barrel.

~~(u)~~ (v) “Roster of ~~Certified~~ Handguns Certified for Sale” means a list of all pistols and revolvers that have been tested by a DOJ-Certified Laboratory, have been determined not to be unsafe handguns, and that may be sold in California pursuant to Penal Code section 32010. The

~~roster~~ Roster will list, for each firearm, the manufacturer, model number, model name, and other information deemed necessary by the DOJ to facilitate identifying that handgun model.

~~(v)~~ (w) “Similar” means a handgun listed on the Roster of ~~Certified~~ Handguns Certified for Sale that was not subject to testing because it satisfied the requirements of Penal Code section 32030.

~~(w)~~ (x) “Standard ammunition” means commercially produced factory loaded ammunition which is available for purchase at consumer-level retail outlets.

Note: Authority cited: Sections 16380, 16900, 17140, 31900, 31905, 31910, 32005, 32010, 32015, 32020, 32025 and 32030, Penal Code. Reference: Sections 16380, 16900, 17140, 23515, 26710, ~~29800, 29805, 29815, 29820, 29825, 29900,~~ 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32020, 32025, 32030, 32100, 32105 and 32110, Penal Code; Section 102, subdivision (a), Corporations Code; and Chapter 44 Sections 920 et seq., Title 18 of the United States Code.

Article 3. DOJ-Certification: Who Must be DOJ-Certified; Application for DOJ-Certification; Pre-DOJ-Certification Requirements; Grounds for Denial; DOJ-Certification Period; Appeal Process

§ 4050. Who Must Be DOJ-Certified.

(a) Any laboratory wishing to participate in the California Handgun Testing Program described in these regulations must apply for and obtain a DOJ-Certification.

(b) Any proposed change in the ownership of five percent or more of a DOJ-Certified Laboratory from that reported on the initial application shall require the submission of an Application for ~~DOJ-Certification~~ Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, by the proposed ownership entity or owners. Written notification shall be made to the BOF within 10 days of the effective date of the change.

Note: Authority cited: Section 32010, Penal Code. Reference: Sections ~~16380, 16900, 17140,~~ 26710, 31900, 31905, 31910, 32010, 32020 and 32030, Penal Code.

§ 4051. Application for DOJ-Certification.

The DOJ will accept completed applications from laboratories seeking DOJ-Certification. Application for DOJ-Certification shall be made on Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference. ~~which shall include the following:~~

~~(a) Laboratory information: name of applicant laboratory; physical and mailing addresses; telephone and fax numbers; local licensing authority, business license number, and expiration date; the local law enforcement agency with jurisdiction over the laboratory; federal firearms~~

license number, type, and expiration date (if licensed); business hours; e-mail address (if applicable); and copies of licenses and/or certificates identified on the application.

(b) ~~COE holder information: name, title, COE number, and COE expiration date of any owner, chief executive officer, or person who possesses or has applied for a COE pursuant to section 4052, subdivision (a) of these regulations.~~

(c) ~~Ownership information: ownership structure; the name, title/relation to laboratory/percentage owned and/or controlled, address, telephone and fax numbers, state corporation/partnership number and expiration date, and local business license number and expiration date of any owner that is not a natural person; and the name, title/relation to laboratory/percentage owned and/or controlled, address, and telephone number of each owner, partner, officer, director and any person who owns and/or exercises control of five percent or more of outstanding common stock; and if a corporation or partnership either original certified copies of the articles of incorporation or a current roster of general and limited partners.~~

(d) ~~Facility management and testing supervision information: name and title of the manager or director of the laboratory and/or unit of the laboratory that will conduct handgun tests, the persons supervising handgun tests, and persons participating and/or performing handgun tests; a copy of the laboratory's security procedures; the name, address, and telephone number of any 24-hour security service or monitored alarm system that is employed by the laboratory, and a copy of the contract for services; and a copy of the procedures for ensuring that persons prohibited from possessing firearms will not have access to firearms and a description of the method to be used to identify any such persons.~~

(e) ~~Required equipment information: whether the laboratory will obtain the required equipment at the time the application is submitted or at a later date.~~

(f) ~~Off-site location information, if applicable: name of the owner; telephone number; physical address; and the testing to be performed and/or equipment to be used at the off-site location.~~

(g) ~~Authorized representative information: name and title of the person who has the legal authority to sign the application and attest to the required matters on behalf of the applicant laboratory.~~

(h) ~~A signed certification stating that the laboratory and/or owner is free from any conflicts of interest as defined by section 4053, subdivision (a)(3), (7), (8), and (9) of these regulations.~~

(i) ~~A signed certification regarding: the informing of staff of laws relating to prohibitions against firearms possession; the ensuring that prohibited persons do not have access to, come into contact with, and/or possess firearms; the fact that the laboratory obtains and maintains any required federal, state, and/or local licenses; and the fact that the laboratory does comply with all applicable federal, state, and/or local laws and/or regulations.~~

(j) ~~A signed certification regarding: the possession of the required equipment; the maintenance and calibration of that equipment; and the laboratory does comply with safety, design, operation, and licensing and approval requirements.~~

~~(k) The initial application processing fee required by section 4065, subdivision (b)(1) of these regulations.~~

Note: Authority cited: Section 32010, Penal Code. Reference: Sections ~~16380, 16850, 16900, 17140, 23515, 25610, 26710, 29800, 29805, 29815, 29820, 29825, 29900, 31900, 31905, 31910, 32005, 32010, 32015, 32020, 32025~~ and 32030, Penal Code.

§ 4052. Pre-DOJ-Certification Requirements.

(a) Pursuant to Penal Code section 26710, subdivisions (a) through (c), the DOJ issues COEs. One or more of the owner(s), chief executive officer(s), or person(s) with primary responsibility for the operation of the laboratory shall obtain and maintain a valid COE as a condition of obtaining and maintaining DOJ-Certification.

(b) Applicant laboratories and existing certification holders subject to renewal shall obtain and maintain a valid FFL as a condition of obtaining and maintaining certification.

~~(b)~~ (c) Once a completed application has been received, the DOJ will schedule an on-site inspection of the applicant laboratory. During this inspection the applicant laboratory shall demonstrate its ability to conduct handgun testing by doing all of the following:

- (1) Have available for inspection by DOJ staff, a microscope system equipped as follows:
 - (A) Have a stereo zoom microscope with a low magnification of 25x or less, and a high magnification of at least 60x. The microscope must also be equipped with a ring-light for illumination and with polarizing filters to aid in reflection control.
 - (B) Have a digital camera with the ability to capture digital images sufficient to adequately document the markings made on the cartridge cases by the microstamp.
- (2) For the firing test:
 - (A) Fire 100 rounds through a semiautomatic pistol, stopping for 5 to 10 minutes after the first 50 rounds have been fired to allow the weapon to cool, and stopping as needed to refill the empty magazine to capacity before continuing. After the 100 rounds have been fired, tighten any loose screws and clean the gun in accordance with the manufacturer's instructions.
 - (B) Fire 100 rounds through a revolver, stopping for 5 to 10 minutes after the first 50 rounds have been fired to allow the weapon to cool, and stopping as needed to refill the empty cylinder to capacity before continuing. After the 100 rounds have been fired, tighten any loose screws and clean the gun in accordance with the manufacturer's instructions.

(C) Demonstrate the method to be used to determine whether there is any crack or breakage of an operating part of the handgun that increases the risk of injury to the user as set forth in Penal Code section 31905, subdivision (c)(2).

(3) For the drop tests:

(A) Have the following testing equipment available for inspection by DOJ staff:

(i) (A) a drop test fixture capable of dropping a handgun from a drop height of 1 m + 1 cm - 0 cm (39.4 in. + 0.4 in. - 0 in.).

(i) Demonstrate that the drop test fixture is in proper working order by dropping an object of the approximate size and weight of a handgun from the fixture. The object shall drop and come to rest without interference on or near the required concrete slab which shall rest upon a firm surface.

(ii) Demonstrate the ability to position a handgun in the drop fixture at the required drop height and in each of the six drop positions identified in Penal Code section 31900.

(ii) (B) a height gauge capable of measuring the required drop height.

(iii) (C) one or more concrete slabs with minimum dimensions of 7.5 X 15 X 15 cm (3 X 6 X 6 in.).

~~(B)—Demonstrate that the drop test fixture is in proper working order by dropping an object of the approximate size and weight of a handgun from the fixture. The object shall drop and come to rest without interference on or near the required concrete slab which shall rest upon a firm surface.~~

~~(C)—Demonstrate the ability to position a handgun in the drop fixture at the required drop height and in each of the six drop positions identified in Penal Code section 31900.~~

(e) (d) The handguns and ammunition used during the demonstration shall be supplied by the applicant laboratory. The DOJ reserves the right to supply the handguns and ammunition used during the demonstration.

Note: Authority cited: Sections ~~16380, 16900, 17140, 31900, 31900~~, 31905, 31910, and 32010 and 32030, Penal Code. Reference: Sections ~~16380, 16900, 17140, 26525, 26700, 26710, 31910 and 32010; and 32030~~, Penal Code.

§ 4053. Grounds for Denial.

(a) An initial application for DOJ-Certification shall be denied if the applicant laboratory:

- (1) Makes false statements on the application.
 - (2) Fails to meet the security requirements identified in section 4057, subdivision (a)(1) of these regulations.
 - (3) Is wholly or partly owned by, a part of, financed by, or in any other way financially supported by any manufacturer/importer, wholesaler, distributor, or dealer of handguns. As used in this subdivision, financial support does not apply to situations wherein an applicant laboratory is itself a federal firearms licensee or where the laboratory provides testing services to a manufacturer/importer, wholesaler, distributor, or dealer of handguns.
 - (4) Fails to demonstrate the ability to conduct the required testing in an impartial, technically sound manner as set forth in of section 4052, subdivision (b) of these regulations, including having and using the equipment required by subdivision (b)(1) of that section.
 - (5) Fails to obtain and maintain the required COE(s).
 - ~~(6)~~ (6) Fails to obtain and maintain the required FFL(s).
 - ~~(6)~~ (7) Fails to comply with any required local, state, and/or federal laws and/or licensing requirements relating to handgun testing.
 - ~~(7)~~ (8) Has any present or planned contractual, organizational, employment or other financial involvement and/or relationship (spouse(s), children, sibling(s), parent(s), or in-law(s)) with any manufacturer/importer, wholesaler, distributor, or dealer of handguns. This shall also apply to any employee(s) directly involved in handgun testing, owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the applicant laboratory who has any such involvement or relationship.
 - ~~(8)~~ (9) Is currently, or plans to be, a manufacturer/importer, wholesaler, distributor, or dealer of handguns. This shall also apply to any employee(s) directly involved in handgun testing, owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the applicant laboratory.
 - ~~(9)~~ (10) Has a present or planned direct, indirect, and/or beneficial interest aggregating \$1,000 or more in any entity that is a manufacturer/importer, wholesaler, distributor, or dealer of handguns. This shall also apply to any employee(s) directly involved in handgun testing, owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the applicant laboratory.
- (b) If the DOJ denies an application for DOJ-Certification, a Notice of Denial will be provided to the applicant laboratory. The Notice shall specify all grounds on which the denial is based.
- (c) An applicant laboratory that has been served with a Notice of Denial may request a hearing. The written request must be received by the DOJ no later than 20 days from the date of service

of the Notice of Denial. If a hearing is requested, it will be conducted in accordance with the Administrative Procedure Act, Government Code section 11500 et seq. Failure to make a written request for a hearing within the time specified above constitutes a waiver of the right to a hearing. If this failure occurs, or if the applicant laboratory withdraws its appeal, the denial shall be final.

Note: Authority cited: Section 32010, Penal Code. Reference: Sections ~~16380, 16850, 16900, 17140, 25610, 26525, 26700, 26710,~~ 31900, 31905, 31910 and 32010, Penal Code; ~~and Sections 11500, 11501, 11502, 11503, 11504, 11504.5, 11506, 11507, 11507.3, 11507.5, 11507.6, 11507.7, 11508, 11509, 11511, 11511.5, 11511.7, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11518.5, 11519, 11519.1, 11520, 11521, 11522, 11523, 11524, 11526, 11527, 11528 and 11529, Government Code.~~

Article 4. Operational Requirements: Absence of Conflict of Interest; Security and Safety Requirements; Licensing/Minimum Standards Compliance; Which Handguns Must be Tested, Who May Submit Handguns, Submission Requirements; Testing Procedures; Test Reporting; Required Records, Retention Periods, Reporting Changes; off-Site Locations; Inspections

§ 4057. Security and Safety.

(a) The DOJ-Certified Laboratory shall have written security procedures if handguns are to be stored and/or transported by the DOJ-Certified Laboratory. DOJ-Certified Laboratory staff shall be informed of these written procedures which shall be available upon request, and include all of the following:

(1) The handgun(s) shall be stored unloaded in a safe or a secure room which shall be locked while unattended, and shall meet all of the following requirements:

(A) A safe in use by a DOJ-Certified Laboratory prior to July 1, 2018 shall be certified to/listed as meeting Underwriters Laboratories Residential Security Container rating standards by a Nationally Recognized Testing Laboratory (NRTL). All safes to be purchased by a DOJ-Certified Laboratory after July 1, 2018 shall be certified to/listed as meeting Underwriters Laboratories Standards for Antitheft Alarms and Devices under 1037 Sixth Edition standards by a NRTL dated September 15, 2017, section 7 Enclosures. Copies can be obtained by contacting COMM-2000, 151 Eastern Avenue, Bensenville, Illinois 60106, telephone number 1 (888) 853-3503, or on the Internet: www.shopulstandards.com, or are available for inspection at the Department of Justice, Bureau of Firearms, or the California State Archives at the Secretary of State, 1020 "O" Street, Sacramento, California 95814.

(B) A secure room shall be away from any general living or work area. All doors leading into a secure storage room shall be solid core with a dead-bolt lock or the equivalent, or the handgun(s) shall be stored in an anchored, locked metal box in the room. Anchored is defined as either permanently mounted to the floor or having a gross weight of 1,000 pounds or more so that heavy equipment or tools would be

required to remove the box. Any secure storage room with direct entries, including windows and skylights, from the exterior of the building shall have: steel window guards (not recommended for private residences); an audible, silent or sonic alarm to detect entry; or a 24-hour security guard service.

(2) If the handgun(s) will be stored at a location different from the principal place of business, or at the applicant's residence and that residence is rented/leased, the applicant shall submit to the DOJ written approval from the owner and the location shall meet all security requirements.

(3) Ammunition shall be stored separately from the handguns in a secure room, cabinet or box which shall be locked while unattended.

(4) When transporting a handgun for delivery to an authorized recipient or off-site testing location, the handgun shall be transported as required by California Penal Code sections 16850 and 25610, or as required by any applicable federal, state, and/or local statute and/or ordinance if outside of California.

(5) Any handgun not actively being tested shall be locked in the safe or the secure room or box. Upon receipt, a handgun shall be placed in the laboratory's safe or the secure room or box until testing is commenced. Any handgun to be shipped from the laboratory shall be kept in the safe or secure room or locked metal box until arrival of the person authorized to receive the handgun or until laboratory personnel are prepared to transport the handgun for delivery to an authorized recipient.

(6) Any handgun that is lost or stolen shall be reported within ten (10) working days to the submitting manufacturer/importer, local law enforcement agency, and DOJ. Any lost or stolen handgun shall be reported to the DOJ on a DOJ-Certified Laboratory Theft Report (Handguns), Form BOF 022 (Orig. 07/2018), hereby incorporated by reference. The DOJ-Certified Laboratory shall maintain the following records relating to any such handguns: the type, make, model, caliber, barrel length, category, and serial number of the lost/stolen handgun; the date of the loss/theft; the date the loss/theft was reported to the submitting manufacturer/importer, local law enforcement, and DOJ; and any case/report number(s) assigned by the local law enforcement agency to the loss/theft. The DOJ-Certified Laboratory shall maintain these records for at least ten (10) years.

(b) The DOJ-Certified Laboratory shall at all times ensure that:

(1) All persons conducting, supervising and/or observing handgun testing under this program have and use personal safety equipment that meets or exceeds applicable current federal, state and/or local standards and the requirements of any occupational and/or industrial safety agency having jurisdiction over the laboratory and its activities.

(2) The design and operation of the laboratory's facilities meet or exceed applicable current federal, state and/or local standards and/or requirements.

(3) Laboratory testing staff are familiar with and exercise safe firearms handling and operational practices as defined in all applicable federal, state, and/or local laws.

(4) The following warning in block letters not less than one inch in height is conspicuously posted within all areas where drop testing is performed:

“NO AMMUNITION SHALL BE PRESENT IN OR AROUND THIS DROP TESTING AREA OR IN THE POSSESSION OF ANY PERSONNEL ACTIVELY ENGAGED IN CONDUCTING DROP TESTS.”

Note: Authority cited: Section 32010, Penal Code. Reference: Sections 16850, 25610 and 32010, Penal Code.

§ 4060. Testing Procedures.

(a) The only persons allowed to conduct handgun testing are authorized staff of the DOJ-Certified Laboratory. In addition to this staff, non DOJ-Certified Laboratory staff members located at the off site location, representatives of the manufacturer/importer and/or the DOJ shall be allowed to be present during testing. Any such representative(s) shall not participate in the testing. However, if deemed necessary by the staff of the DOJ-Certified Laboratory, representative(s) of the manufacturer/importer may be asked to provide advice and/or guidance regarding the characteristics, handling, and/or operation of the handgun.

(b) Prior to beginning the required testing the DOJ-Certified Laboratory shall determine whether the safety device described in Penal Code section 31910(a)(1) or (b)(1) is present.

(1) If the DOJ-Certified Laboratory needs guidance in making this determination, the information required by section 4059, subdivision (d) of these regulations should be consulted. If the DOJ-Certified Laboratory is still not able to make this determination, they should contact the manufacturer/importer for additional information. Any additional information received from the manufacturer/importer shall be included with the information submitted pursuant to section 4059, subdivision (d) of these regulations.

(2) If a DOJ-Certified Laboratory is still uncertain whether a positive manually operated safety device is present on a pistol even after it receives additional information, the firing and drop tests should be performed. If the pistol passes these tests, the laboratory should submit the pistol to the DOJ with a letter explaining the steps taken to determine whether the positive manually operated safety device is present. The laboratory must indicate its preliminary decision regarding the positive manually operated safety device. The letter should also include any information that would support the position taken by the laboratory. This includes a description of the positive manually operated safety device(s) incorporated into the pistol's design and an explanation of how this design replicates the positive manually operated safety device of a pistol design that has already been determined to meet the standards promulgated by the ATF. The DOJ will use this information to determine whether the pistol can be sold in California.

(c)(1) Commencing May 22, 2006, the DOJ-Certified Laboratory shall conduct the required testing of a center-fire semiautomatic pistol only after ascertaining the firearm has a functioning chamber load indicator or a functioning magazine disconnect mechanism.

(2) Commencing January 1, 2007, the DOJ-Certified Laboratory shall conduct the required testing of a center-fire semiautomatic pistol which accepts a detachable magazine only after ascertaining the firearm has both a functioning chamber load indicator and a functioning magazine disconnect mechanism.

(3) Commencing May 22, 2006, the DOJ-Certified Laboratory shall conduct the required testing of a rim-fire semiautomatic pistol which accepts a detachable magazine only after ascertaining the firearm has a functioning magazine disconnect mechanism.

(4) On or after January 1, 2010, upon DOJ's certification that the microstamping technology described in Penal Code section 31910, subdivision (b)(7) is available to more than one manufacturer unencumbered by any patent restrictions, the DOJ-Certified Laboratory shall verify that every semiautomatic pistol complies with the microstamping requirement for semiautomatic pistols set forth in Penal Code section 31910, subdivision (b)(7) by following the procedures set forth in subdivisions (e), (g), and (h) of this section.

(d)(1) A functioning chamber load indicator must meet all of the following conditions:

(A) Explanatory text and/or graphics either incorporated within the chamber load indicator or adjacent to the chamber load indicator is/are permanently displayed by engraving, stamping, etching, molding, casting, or other means of permanent marking.

(B) Each letter of explanatory text must have a minimum height of 1/16 inch.

(C) The explanatory text and/or graphics shall be of a distinct visual contrast to that of the firearm.

(D) The "loaded" indication, that portion of the chamber load indicator that visually indicates there is a round in the chamber, shall be of a distinct color contrast to the firearm.

(E) Only when there is a round in the chamber, the "loaded" indication is visible on the firearm from a distance of at least twenty-four inches. When there is no round in the chamber, the "loaded" indication must not be visible.

(F) The text and/or graphics and the "loaded" indication together inform a reasonably foreseeable adult user of the pistol that a round is in the chamber, without requiring the user to refer to a user's manual or any other resource other than the pistol itself.

(2) A functioning magazine disconnect mechanism must prevent the ammunition primer from being struck with a pull of the trigger or attempted pull of the trigger whenever a detachable magazine is not inserted in the pistol.

(e) Prior to conducting the “firing requirements for handguns” test of a semiautomatic pistol required by Penal Code section 31905, the DOJ-Certified Laboratory shall fire each handgun of that make and model of semiautomatic pistol two times. After firing the pistol two times, the DOJ-Certified Laboratory shall collect the two cartridge casings expended from that pistol, store the casings in a container labeled with the FIN of the pistol from which they were expended, and ~~indicating~~ indicate that the two cartridges were expended immediately preceding the firing test, and retain the casings for possible later analysis. The cartridge casings shall be analyzed pursuant to the procedures set forth in subdivision (h) of this section only upon successful completion of the “firing requirements for handguns” test of the semiautomatic pistol.

(f) The “firing requirement for handguns” is the first test to be undertaken by the DOJ-Certified Laboratory. The firing test shall be conducted in the manner prescribed in Penal Code section 31905, and in accordance with the following:

(1) For the purposes of determining whether a handgun passes the “firing requirement for handguns,” “malfunction” includes any failure to operate as designed, including the failure of a pistol's slide to remain open after a manufacturer-approved magazine has been expended, provided that the handgun was designed by the manufacturer to remain open.

(2) If the manufacturer/importer markets and/or recommends that the handgun model is designed to handle multiple cartridges, the standard ammunition used during the firing test shall be the more powerful marketed/recommended cartridge. However, the DOJ-Certified Laboratory shall not use any standard ammunition known to be beyond the design limits of the handgun and/or known not to function in the handgun.

(3) If a pistol has multiple chambers, the 600 rounds shall be evenly apportioned between the chambers.

(4) The DOJ-Certified Laboratory shall determine whether there is any crack or breakage of an operating part of the handgun that increases the risk of injury to the user, as set forth in Penal Code section 31905, subdivision (a)(2).

(5) Should a handgun fail the “firing requirements for handguns” test, three handguns of that make and model must be re-submitted for the firing test. Handguns that do not pass the “firing requirements for handguns” test may not be submitted for the “drop safety requirement for handguns” testing.

(g) As soon as possible after successful completion of the “firing requirements for handguns” test of a semiautomatic pistol, the DOJ-Certified Laboratory shall fire each handgun of that make and model of semiautomatic pistol two additional times. After firing the pistol two additional times, the DOJ-Certified Laboratory shall collect the two cartridge casings expended from that pistol and store the cartridges in a container labeled with the FIN of the pistol, indicating that the

two cartridges were expended immediately following the firing test, and keeping them separate and apart from the cartridge casings expended and collected from the same pistol prior to conducting the “firing requirements for handguns” test pursuant to subdivision (e) of this section.

(h) In order to verify compliance with the microstamping requirement for semiautomatic pistols set forth in Penal Code section 31910, subdivision (b)(7), the DOJ-Certified Laboratory shall use the following procedures and criteria to examine the cartridge casings collected from each tested semiautomatic pistol (pursuant to subdivisions (e) and (g) of this section) to determine whether a FIN was transferred by imprinting onto each cartridge case when the pistol was fired.

(1) Using a stereo zoom microscope described in section 4052 of these regulations, the DOJ-Certified Laboratory shall examine each of the cartridge casings collected prior to and after the “firing requirements for handguns” test to verify that the pistol has transferred an imprint or etching in at least two places on each cartridge casing. So long as the pistol's complete FIN can be identified from the one or more etchings on each cartridge casing, the pistol will meet the microstamping requirements of Penal Code section 31910, subdivision (b)(7).

(2) The DOJ-Certified Laboratory shall take digital ~~photographs~~ images sufficient to adequately document the markings made on the cartridge cases by the microstamp.

(3) The DOJ-Certified Laboratory shall repeat the examination process described above for each set of cartridge casings expended from each tested pistol of that make and model of semiautomatic pistol. If each cartridge casing from each set of expended cartridge casings satisfies paragraph (1) above, then the DOJ-Certified Laboratory shall certify that the model of semiautomatic pistol complies with the microstamping requirement set forth in Penal Code section 31910, subdivision (b)(7).

(i) The “drop safety requirement for handguns” is the last test to be undertaken by the DOJ-Certified Laboratory. The drop tests shall be conducted in the manner prescribed in Penal Code section 31900, and in accordance with the following:

(1) The drop height of 1 m + 1 cm - 0 cm (39.4 in. + 0.4 in. - 0 in.) shall be measured from the lowermost portion of the handgun as situated in the drop fixture to the top surface of the required concrete slab. The required concrete slab shall rest upon a firm surface and the face of the slab shall be perpendicular to the direction of the drop. If a handgun has an exposed hammer, the hammer shall be fully cocked during each drop test. When dropped the handgun shall initially strike the face of the required concrete slab and then come to rest without interference.

(2) The primed cases used during the drop test shall be produced by the ammunition manufacturer of, and made from the same cases and primers as, the standard ammunition that is used during the firing test as set forth in sections 4059, subdivision (e) and 4060, subdivision (e)(2) of these regulations.

- (3) If a pistol has multiple chambers and/or firing pins, the tests shall be conducted as follows. For each of the drop tests a primed case will be placed in each chamber. If the hammer or firing pin alternates between chambers, the pistol will be dropped once for each hammer or firing pin position.
- (4) Minimal damage, such as broken grips or sights, can and will occur during the course of the drop testing. Damage and/or breakage that affects the overall dimensions of the handgun shall be repaired prior to continuing the drop tests. After each of the first five drop tests the DOJ-Certified Laboratory shall determine whether the handgun has been rendered incapable of firing a primed case prior to conducting the next drop test. If so, the handgun model shall either be repaired, or the test shall be stopped and three new handguns must be submitted for testing beginning with the “firing requirement for handguns.”
- (5) After examining the primed case(s) for indentations after each drop test, each primed case shall be fired to determine whether the primer was functional. If not, the drop test shall be repeated with a new primed case(s). A new primed case(s) will be used for the next drop test.
- (6) Should a handgun fail the “drop safety requirement for handguns,” or be found incapable of firing a primed case, three new handguns of that make and model must be submitted for testing beginning with the “firing requirements for handguns” test.
- (j) A DOJ representative may request and shall be provided with spent or unspent rounds of and/or the packaging for the standard ammunition that is being used for firing tests. A DOJ representative may also request, and shall be provided with, the packaging for ~~and/or~~ used or unused primed cases that are being used for drop tests.
- (k) The same three handguns that pass the “firing requirements for handguns” test must also pass the “drop safety requirement for handguns” before that make and model can be considered for certification.
- (l) The DOJ-Certified Laboratory shall report a handgun to the DOJ as “not unsafe” only if it has passed the required testing, has been found to comply with the microstamping requirement for semiautomatic pistols pursuant to subdivision (h) of these regulations, if applicable, and the laboratory has confirmed that any chamber load indicator and/or magazine disconnect identified pursuant to subdivisions (c) and (d) of this section continues to function upon completion of the required testing.

Note: Authority cited: Sections 16380, 16900, 17140, 31900, 31905, 31910 and 32010, Penal Code. Reference: Sections 16380, 16900, 17140, 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32020, 32025 and 32030, Penal Code.

§ 4061. Test Reporting.

- (a) If a handgun model is certified as having passed the required testing, the DOJ-Certified Laboratory shall submit to the DOJ a completed Compliance Test Report (Handguns), Form

BOF 021 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, and one of the tested handguns in accordance with Penal Code section 32010, all expended casings collected from that one pistol pursuant to section 4060, subdivisions (e) and (g) of these regulations, digital images of all expended casings taken pursuant to subdivision (h) of section 4060 of these regulations, one (1) digital image of the left side of the handgun, one (1) digital image of the right side of the handgun, and digital image(s) depicting the serial number, make, and model; and all photographs of expended casings taken pursuant to subdivision (h) of section 4060 of these regulations. If these markings of the serial number, make, and model are not close to each other up to three (3) digital images may be necessary to document the markings. The Compliance Test Report (Handguns) shall be on Form BOF 021 (Rev. ~~01/2012~~ 07/2018) which shall ~~require all of the information identified in subdivision (a) of section 4062 of these regulations,~~ and be signed by the person authorized to sign on behalf of the DOJ-Certified Laboratory. The DOJ will allow DOJ-Certified Laboratories to develop and use automated formats for the Compliance Test Report (Handguns) provided the proposed format presents the information in the same order and with the same wording as Form BOF 021 (Rev. ~~01/2012~~ 07/2018).

(b) For any handgun that fails any test, the laboratory shall complete the Compliance Test Report (Handguns), Form BOF 021 (Rev. 07/2018). The reason(s) for failure shall be documented. The following digital images of the handgun shall be attached to the Form BOF 021 (Rev. 07/2018): one (1) overall digital image of the left side of the handgun, one (1) overall digital image of the right side of the handgun, and digital images depicting the serial number, make and model; if these markings are not close to each other up to three (3) digital images may be necessary to document the markings. In compliance with section 4060 (h) of these regulations digital images of the fired casings shall be attached to the Compliance Test Report (Handguns), Form BOF 021 (Rev. 07/2018).

~~(b)~~(c) The Compliance Test Report (Handguns), Form BOF 021 (Rev. 07/2018), shall be submitted by the DOJ-Certified Laboratory within ten (10) working days of the completion of the testing. Failure to submit the required ~~Compliance Test Report form~~ to the DOJ within the time frame identified above shall not invalidate the results of the testing. However, the DOJ-Certified Laboratory may be subject to inspection by the DOJ to determine whether grounds exist to revoke the DOJ-Certification.

~~(e)~~(d) Manufacturers/Importers are prohibited from placing any statement on the handgun itself, the labeling, and/or accompanying user information that in any way states, implies, and/or otherwise suggests that the model has been determined not to be unsafe until such time as the model has successfully completed testing at a DOJ-Certified Laboratory, and a letter of compliance for the model tested has been issued to the manufacturer by the DOJ. At that time, the manufacturer/importer may place the following statement in the required user information: “The manufacturer/importer certifies that this model of handgun has been tested and has been determined not to be an unsafe handgun as defined in California Penal Code section 31910.”

Note: Authority cited: Section 32010, Penal Code. Reference: Sections 16380, 16900, 17140, 31900, 31905, 32005, 32010, 32015, 32020, 32025 and 32030, Penal Code.

§ 4062. Required Records, Retention Periods, Reporting Changes.

(a) The DOJ-Certified Laboratory shall for a minimum of five (5) years from the date of the Compliance Test Report (Handguns), Form BOF 021 (Rev. 07/2018), maintain sufficient records to support the results of any and all such reports. ~~The information required to be recorded, reported, and maintained is:~~

~~(1) The name and address of the DOJ-Certified Laboratory that conducted the test and the name of the person who should be contacted if there are any questions regarding the testing and/or the report.~~

~~(2) The name and address of the manufacturer/importer which submitted the handgun model for testing. If the DOJ submitted the model, this shall be noted in the records.~~

~~(3) The date and location of the testing. This includes any off-site equipment and/or facilities that are used during any portion of the testing.~~

~~(4) A unique reference number/identifier issued by the DOJ-Certified Laboratory for the testing.~~

~~(5) The type (pistol or revolver), make, model, caliber, barrel length, construction material, and serial numbers of all handguns that were tested. This includes "replacement" handguns as allowed by Penal Code section 31905, subdivision (b) and section 4060, subdivision (f)(4) of these regulations. The serial number of the handgun which was submitted to the DOJ shall also be identified.~~

~~(6) The manufacturer, cartridge, caliber, bullet weight and type, and the lot number of the standard ammunition that was used during the firing test.~~

~~(7) The manufacturer of the case and primer for the primed cases that were used during the drop test.~~

~~(8) Whether the required safety device was present or any information supporting the preliminary determination regarding the required safety device.~~

~~(9) Statement confirming the presence of any chamber load indicator and/or magazine disconnect required pursuant to Penal Code sections 16380, 16900, 17140, 31910, subdivision (b), and section 4060, subdivisions (c), (d), and (h) of these regulations.~~

~~(10) The results of each phase of the following required testing: the initial 20 rounds; the entire 600 rounds; the normal firing position, barrel horizontal drop; the upside down, barrel horizontal drop; the on grip, barrel vertical drop; the on muzzle, barrel vertical drop; the on either side, barrel horizontal drop; and the exposed hammer/rear most point of the device or handgun drop.~~

~~(11) The date the Compliance Test Report was submitted to the DOJ.~~

~~(12) A certification signed under penalty of perjury that standard ammunition was used during the firing test and that, if applicable, it was the more powerful cartridge marketed/recommended by the manufacturer/importer.~~

~~(13) The results of the examination of all expended cartridge casings collected pursuant to section 4060, subdivisions (e) and (g) of these regulations and examined pursuant to subdivision (h) of section 4060 of these regulations.~~

(b) The following records shall also be maintained by all DOJ-Certified Laboratories:

(1) A listing of any and all off-site locations that have been reported to the DOJ, and are or may be used by the DOJ-Certified Laboratory for handgun testing.

(2) A current agreement or contract for any 24 hour security guard system that is used to comply with section 4057, subdivision (a)(1)(B) of these regulations.

(3) A listing of all current employees who are directly involved in handgun testing as well as the COE number for those employees who possess a COE.

(4) Records relating to the current ownership of the laboratory.

(c) The DOJ-Certified Laboratory may record and maintain any other handgun testing records it deems necessary.

(d) The DOJ-Certified Laboratory shall report within ten (10) working days any changes:

(1) In the ownership, involvements, relationships, license prohibitions, and/or interests identified in section 4056 of these regulations and ensure that any such change would not constitute grounds for denial of an Application for ~~DOJ~~ Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference.

(2) Involving: management personnel, handgun testing supervisor(s) and/or personnel, persons authorized to sign Compliance Test Reports, person(s) who hold COE(s); and/or the handgun testing equipment and/or facilities of the laboratory.

Note: Authority cited: Sections ~~16380, 16900, 17140~~, 31910, 32005 and 32010, Penal Code.

Reference: Sections ~~16380, 16900, 17140, 23515, 29800, 29805, 29815, 29820, 29825, 29900~~, 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32020, 32025 and 32030, Penal Code.

§ 4063. Off-Site Location.

(a) A DOJ-Certified Laboratory shall not be allowed to utilize any handgun testing equipment and/or facilities that are physically situated at a location other than the primary business address of the laboratory unless all of the following conditions are met:

(1) The off-site location is not more than 100 miles from the primary business address.

(2) The DOJ-Certified Laboratory provides the following information to the DOJ prior to beginning any testing at the off-site location: the name of the facility/owner, telephone number, physical address of the location; and the type of equipment and/or facilities to be used and/or the testing to be performed at each location.

(b) Notwithstanding subdivision (a) of this section, if more than one off-site location is needed for testing purposes, the applicant or DOJ-Certified Laboratory must submit a completed Request to Utilize an Additional Off-Site Location (Handgun Testing), Form BOF 020 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, for each such location. As set forth in section 4065, subdivision (b)(4) of these regulations, the DOJ-Certified Laboratory shall pay the actual reasonable costs incurred by the DOJ during an on-site inspection of the location.

(c) The DOJ reserves the right to prohibit a DOJ-Certified Laboratory from conducting handgun tests at an off-site location if the results of any such testing could not be rendered fairly, impartially, and independent of any manufacturer, importer or other entity which has any direct and/or indirect economic interest in the results of the testing.

Note: Authority cited: Section 32010, Penal Code. Reference: Sections 31900, 31905 and 32010, Penal Code.

Article 5. Application Fees

§ 4065. Application Fees.

(a) Pursuant to Penal Code sections 32010, subdivision (b), and 32015 through 32025, the DOJ shall recover the full costs of laboratory certifications and renewals.

(b) ~~Standard Fees~~ Application Fees:

(1) Initial Application for ~~DOJ-Certification~~ Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, including the costs of the pre-certification on-site inspection (staff salaries/wages, travel, lodging) as set forth in section 4052, subdivision (b) of these regulations: \$1,600.

(2) Renewal Application for Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. 07/2018), including the costs of one on-site inspection (travel and lodging) during the two-year term of the certification, as set forth in section 4064 of these regulations: \$800.

(c) Standard Inspection Fees:

~~(2)~~ (1) The ~~actual~~ costs associated with the post-DOJ-Certification follow-up on-site compliance inspection(s) as set forth in section 4064, subdivision (b) of these regulations, not to exceed \$1,500: per DOJ employee.

~~(3) — Renewal Application for DOJ-Certification, Form BOF 019 (Rev. 01/2012), including the costs of one on-site inspection (staff salaries/wages, travel, lodging) during the two-year term of the certification, as set forth in section 4064 of these regulations: \$800.~~

(4) ~~(2)~~ The actual reasonable costs (staff salaries/wages, travel, lodging) incurred during the inspection of each additional off-site location, not to exceed the state per-diem in effect at the time of the inspection.

Note: Authority cited: Section 32010, Penal Code. Reference: Sections 31900, 31905, ~~and~~ 32010, 32015 and 32025, Penal Code.

Article 6. DOJ-Certification Revocation

§ 4066. DOJ-Certification Revocation.

(a) A DOJ-Certification may be revoked. The following constitute grounds for revocation:

- (1) Any act of gross negligence.
- (2) Repeated acts of negligence.
- (3) Any violation of these regulations and/or any applicable statute.
- (4) Any of the grounds for denial stated in section 4053 of these regulations
- (5) Refusal to participate in DOJ-initiated retesting or reinstatement testing as prescribed in sections 4073 and 4074 of these regulations.

(b) Any revocation action will be conducted in accordance with the Administrative Procedure Act, Government Code sections 11500 et seq.

(c) Upon revocation the laboratory will be removed from ~~the roster~~ a list of DOJ-Certified Laboratories.

(d) Any failure to maintain an FFL or COE shall be grounds for a temporary suspension of the laboratory's DOJ-certification, pending the outcome of the revocation process under section (b).

Note: Authority cited: Section 32010, Penal Code. Reference: Sections 26525, 26700, 31900, 31905 and 32010, Penal Code; and Sections 11500, 11501, 11502, 11503, 11504, 11504.5, 11506, 11507, 11507.3, 11507.5, 11507.6, 11507.7, 11508, 11509, 11511, 11511.5, 11511.7, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11518.5, 11519, 11519.1, 11520, 11521, 11522, 11523, 11524, 11526, 11527, 11528 and 11529, Government Code.

Article 7. DOJ-Certification Renewal: DOJ-Certification Renewal Procedures; DOJ-Certification After Expiration

§ 4067. DOJ-Certification Renewal Procedures.

A DOJ-Certification must be renewed prior to expiration in order to remain valid. The following is the procedure for DOJ-Certification renewal:

- (a) The DOJ will mail an application to each DOJ-Certified Laboratory 60 days prior to the expiration date of the DOJ-Certification.
- (b) The DOJ-Certified Laboratory wishing to renew the DOJ-Certification shall submit to the DOJ an Application for ~~DOJ-Certification~~ Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, with the renewal fee set forth in section 4065, subdivision (b)(3) of these regulations.
- (c) Once these requirements are met and the application has been processed, the DOJ will send a renewed DOJ-Certification.
- (d) If a laboratory fails to comply with these renewal requirements, the DOJ-Certification shall expire by operation of law at midnight on the expiration date stated on the DOJ-Certification.

Note: Authority cited: Section 32010, Penal Code. Reference: Sections ~~16380, 16850, 16900, 17140, 23515, 25610, 29800, 29805, 29815, 29820, 29825, 29900,~~ 31900, 31905, 31910, 32005, 32010, 32015, 32020, 32025 and 32030, Penal Code.

§ 4068. DOJ-Certification After Expiration.

When a DOJ-Certification has expired and not been renewed prior to the stated expiration date, the person, firm, or corporation shall make a new application to the DOJ on an Application for ~~DOJ-Certification~~ Laboratory Certification (Handgun Testing), Form BOF 019 (Rev. ~~01/2012~~ 07/2018), together with the initial application fee set forth in section 4065, subdivision (b)(1) of these regulations.

Note: Authority cited: Section 32010, Penal Code. Reference: Sections 31900, 31905, 32000 and 32010, Penal Code.

Article 9. Roster of ~~Certified~~ Handguns Certified for Sale; Roster of ~~Certified~~ Handguns Certified for Sale Listing Renewal Procedures

§ 4070. Roster of ~~Certified~~ Handguns Certified for Sale.

- (a) Within ~~ten (10)~~ 30 days of the receipt of the Compliance Test Report (Handguns), Form BOF 021 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, and one prototype handgun, from the DOJ-Certified Laboratory; and the receipt of the initial annual listing fee from the manufacturer/importer, the DOJ will determine whether the handgun is not unsafe and may be sold in California. After the determination that the model may be listed, the DOJ will add the handgun model to the Roster of ~~Certified~~ Handguns Certified for Sale. ~~The listing will be valid for one year from the date the model was added to the Roster, and shall be renewed as set forth~~

~~in section 4071 of these regulations. The listing will be valid during the calendar year in which payment was received, ending December 31 of that year.~~

(b) Within ~~ten (10)~~ 30 days of the receipt of the initial annual listing fee and a request from a manufacturer/importer to have a handgun model added to the Roster pursuant to Penal Code section 32030, the DOJ will determine whether the handgun model may be listed without testing. After the determination that the model may be listed, the DOJ will add the handgun model to the Roster. ~~The listing will be valid for one year from the date the model was added to the Roster, and shall be renewed as set forth in section 4071 of these regulations. The listing will be valid during the calendar year in which payment was received, ending December 31 of that year.~~

(c) A handgun model may be removed from the Roster for any of the following reasons:

~~(1) If the annual maintenance fee is not paid as set forth in Penal Code section 32015, subdivision (b).~~

~~(2)~~ (1) If it is determined that the handgun models submitted for testing were modified in any way from those that were sold after certification was granted.

~~(3)~~ (2) If it is determined that the handgun is in fact unsafe based upon further testing.

(3) If the annual maintenance fee is not paid as set forth in Penal Code section 32015, subdivision (b).

(d) A handgun model may remain on the Roster after a manufacturer/importer discontinues manufacturing/importing the model or goes out of business provided that all of the following requirements are met:

(1) Evidence is provided that the manufacturer/importer has either discontinued manufacturing/importing the handgun model or gone out of business.

(2) The manufacturer/importer is no longer offering the handgun model to licensed firearms dealers.

(3) Either a fully licensed wholesaler, distributor, or dealer submits a written request to continue the listing and agrees to pay the annual maintenance fee as set forth in section 4072 of these regulations. The request shall be submitted to the DOJ stating that all of the above conditions have been met.

(e) A manufacturer/importer or other responsible party may submit a written request to list a handgun model that was voluntarily discontinued or was removed for lack of payment of the annual maintenance fee. The written request must state that no modifications have been made to the model and be submitted to the DOJ together with the annual listing fee as set forth in section 4072 of these regulations. If approved, ~~the listing will be valid for one year from the date the model was added to the Roster,~~ the listing will be valid during the calendar year in which payment was received ending December 31 of that year, and shall be renewed as set forth in section 4071 of these regulations. To ensure compliance with Penal Code section 32030 and

these regulations a current sample of the previously approved handgun shall be provided to DOJ for verification. The sample handgun shall be retained by DOJ indefinitely.

Note: Authority cited: Sections 32015 and 32030, Penal Code. Reference: Sections ~~46380, 46900, 47140,~~ 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32020, 32025, 32030, 32100, 32105 and 32110, Penal Code.

§ 4071. Roster of ~~Certified~~ Handguns Certified for Sale; Listing Renewal Procedures.

A handgun model listing on the Roster of ~~Certified~~ Handguns Certified for Sale must be renewed prior to expiration in order to remain valid. The following is the procedure for renewal of a listing:

- (a) The DOJ will mail a renewal notice to each manufacturer/importer or other responsible person 60 days prior to the expiration of the handgun model listing.
- (b) The manufacturer/importer or other responsible person wishing to renew the listing shall submit to the DOJ a copy of the renewal notice with the annual maintenance fee set forth in section 4072 of these regulations.
- (c) Once these requirements are met and the request has been processed, the DOJ will update the Roster of Handguns Certified for Sale on the DOJ Bureau of Firearms (BOF) website. ~~send a notification that the listing has been renewed.~~
- (d) If the manufacturer/importer or other responsible person fails to comply with these renewal requirements, the handgun model listing shall expire by operation of law at midnight on the date of expiration of the listing and the model ~~will be~~ removed from the Roster.

Note: Authority cited: Sections 32015 and 32030, Penal Code. Reference: Sections ~~46380, 46900, 47140,~~ 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32020, 32025, 32030, 32100, 32105 and 32110, Penal Code.

Chapter 6 Certified Firearm Safety Device Laboratories, Firearm Safety Device Standards and Testing, and Standards for Gun Safes

Article 2. Definition of Key Terms

§ 4082. Definition of Key Terms.

- (a) “ATF” means the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (b) “DOJ-Certified FSD Laboratory” means a laboratory that has been granted ~~FSD~~ Laboratory Certification by the DOJ.
- (c) “COE” means a Certificate of Eligibility issued by the DOJ pursuant to Penal Code section 26710, subdivision (a) through (c) and the regulations issued thereunder after a check of state

and federal files has determined that at the time the check was performed, and based upon available information, the applicant was not a person who was prohibited from possessing firearms pursuant to state and federal laws.

(d) “Common household tools” means screwdrivers (8 to 10 inches in length, flathead (all sizes up to 5/8 inches) or ~~Phillips phillips, flathead sizes up to 5/8 inches~~ (sizes up to 4)), pipe wrenches (9 1/2 to 10 inches in length), vice grip pliers (9 1/2 to 10 inches in length), other pliers (9 1/2 to 10 inches arch joint, 6 to 6 1/2-inch slip joint, 6 to 6 1/2-inch long nose), hacksaws (12-inch standard carbon steel blade), crowbars (16-inch), electric/cordless drills (1/3 horsepower corded/9.6 volt cordless), hammers (16-ounce), chisels (1/4-inch to 1-inch blade width wood chisels), and-crescent wrenches (10-inch)-, a ball point pen body/shaft, a zip tie (at least 6 inches in length, up to 1/2 inch in width), a metal shim (8 to 10 inches in length), a brad clip (3 inches in length), a plastic drinking straw, and a wire hanger.

(e) “Completed application” means a completed Application for Laboratory Certification (Firearm Safety Device Testing) ~~Firearm Safety Device Laboratory Certification~~, Form BOF 019A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, including application copies of any applicable licenses and/or certificates; any additional sheets of paper used to provide full and complete answers to questions on the application; and copies of the laboratory's written procedures relating to security and prohibited persons.

(f) “Compliance Test Report” means a report completed by a DOJ-Certified Laboratory, Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. 07/2018), hereby incorporated by reference, after an FSD has met the requirements of Penal Code section 23650 and these regulations.

~~(f)~~ (g) “Corporation” means any entity organized under Corporations Code section 102, subdivision (a) or similar statute if not a California corporation.

~~(g)~~ (h) “Day” means a calendar day unless otherwise specified in these regulations.

~~(h)~~ (i) “Disabled” means defeating the FSD thereby rendering the firearm capable of firing (expelling a projectile by the force of an explosion or other form of combustion).

~~(i)~~ (j) “DOJ” means the California Department of Justice.

~~(j)~~ (k) “DOJ-approved FSD” means an FSD that has been tested by a DOJ-Certified FSD Laboratory, has been determined to meet the standards for FSDs, and may be sold in California pursuant to Penal Code section 23650.

~~(k)~~ (l) “Firearms manufacturer/importer” means either a licensed manufacturer of domestically produced firearms or, if one exists, a legal successor-in-interest or other person with the consent of the manufacturer; and/or a federally licensed importer of foreign manufactured firearms.

~~(l)~~ “FSD” means a device that locks and is designed to prevent children and unauthorized users from firing a firearm. ~~The device may be installed on a firearm, be incorporated into the design of a firearm, or prevent access to the firearm.~~

~~(m)~~ “Firearms Safety Device Compliance Test Report” means a report completed by a Certified FSD Laboratory after an FSD has met the requirements of Penal Code section 23650 and these regulations.

(m) “Firing chamber” means the chamber that is lined up with the firing pin or striker.

(n) “Firm” means a business unit, enterprise, or partnership of two or more persons, that is not recognized as a legal person distinct from the members comprising the entity.

(o) “FSD” means a device that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of a firearm, or prevent access to the firearm.

~~(n)~~ (p) “FSD manufacturer or dealer” means either a manufacturer of FSDs or a dealer of FSDs.

~~(o)~~ “Firing chamber” means the chamber that is lined up with the firing pin or striker.

~~(p)~~ “Firm” means a business unit, enterprise, or partnership of two or more persons, that is not recognized as a legal person distinct from the members comprising the entity.

(q) “FSD Laboratory Certification” means the DOJ certificate issued as evidence of compliance with the DOJ laboratory certification requirements as set forth in these regulations.

(r) “Keyway” means the opening in a locked cylinder that is shaped to accept a key bit or blade of a proper configuration.

(s) “Local license” means any regulatory and/or business license issued by a city, county, or other local government agency.

(t) “Lock box” means an FSD that fully contains and encloses the firearm(s).

~~(t)~~ (u) “Model” means the manufacturer's designation which uniquely identifies a specific design of FSD.

~~(u)~~ (v) “Plug” means the part of a cylinder which contains the keyway, with tumbler chambers usually corresponding to those within the cylinder shell.

(w) “Primed Case” means metallic containers that hold a live primer without a bullet and/or propellant powder.

~~(v)~~ (x) “Properly installed” means the FSD is installed according to the instructions provided by the FSD manufacturer or dealer.

~~(w)~~ (y) “Reasonable access” means that areas and/or items to be inspected by an authorized DOJ employee are free from physical obstruction and/or other impediments that would make access difficult and/or unsafe.

~~(x)~~ (z) “Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale” means a DOJ list of all DOJ-approved FSDs. The ~~roster~~ Roster shall list, for each DOJ-approved FSD, the manufacturer, model number, model name, and other information deemed necessary by the DOJ to facilitate identifying that FSD.

~~(y)~~ “Lock box” means an FSD that fully contains and encloses the firearm(s).

(aa) “Similar” means a firearm safety device listed on the Roster of Firearm Safety Devices Certified for Sale that was not subject to testing because it satisfied the requirements set forth in section 4093(c) of these regulations.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, ~~and 23655,~~ and 26710, Penal Code.

Article 3. Certified Firearm Safety Device Laboratories

§ 4083. Who Must be a DOJ-Certified Firearm Safety Device Laboratory.

(a) Any laboratory wishing to participate in the California Firearm Safety Device testing program described in these regulations must first become a DOJ-Certified FSD Laboratory.

(b) Any proposed change in the ownership of five percent or more of a DOJ-Certified FSD Laboratory from that reported on the initial application shall require the submission of an Application for Laboratory Certification (Firearm Safety Device Testing), Firearm Safety Device Laboratory Certification Form BOF 019A (Rev. ~~01/2012-07/2018~~), hereby incorporated by reference, by the proposed ownership entity or owners. Written notification shall be made to the BOF within 10 days of the effective date of the change.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4084. Application for Firearm Safety Device Laboratory Certification.

The DOJ shall accept completed applications from laboratories seeking an FSD Laboratory Certification. Application for certification shall be made on an Application for Laboratory Certification (Firearm Safety Device Testing), Firearm Safety Device Laboratory Certification Form BOF 019A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, ~~which shall include the following information:~~

~~(a) Laboratory information: name of applicant laboratory; physical and mailing addresses; telephone and fax numbers; local licensing authority, business license number, and expiration date; the name of the local law enforcement agency with jurisdiction over the laboratory; state corporation/partnership number and expiration date; federal firearms license number, type, and expiration date (if licensed); business hours; e-mail address (if applicable); and copies of licenses and/or certificates identified on the application.~~

~~(b) COE holder information: name, title, COE number, and COE expiration date of any owner, chief executive officer, or person who possesses or has applied for a COE and who is authorized to sign compliance test reports.~~

~~(c) — Ownership information: ownership structure; the name, title/relation to laboratory/percentage owned and/or controlled, address, telephone and fax numbers, state corporation/partnership number and expiration date, and local business license number and expiration date of any owner that is not a natural person; and the name, title/relation to laboratory/percentage owned and/or controlled, address, and telephone number of each owner, partner, officer, director and any person who owns and/or exercises control of five percent or more of outstanding common stock; and if a corporation or partnership either original certified copies of the articles of incorporation or a current roster of general and limited partners.~~

~~(d) — Facility management and testing supervision information: name and title of the manager or director of the laboratory and/or unit of the laboratory that will conduct FSD tests, the person(s) supervising FSD tests (if different from the manager or director), and person(s) participating and/or performing FSD tests (if different); a copy of the laboratory's security procedures; the name, address, and telephone number of any 24-hour security service or monitored alarm system that is employed by the laboratory, and a copy of the contract for services; and a copy of the procedures for ensuring that persons prohibited from possessing firearms will not have access to firearms, and a description of the method to be used to identify any such persons.~~

~~(e) — A signed certification regarding: possession of the required equipment (whether the laboratory will obtain the required equipment at the time the application is submitted or at a later date); the maintenance and calibration of that equipment; compliance with safety, design, operation, and licensing and approval requirements; the signature of the authorized representative; and the county, state, and date of signature.~~

~~(f) — Off-site location information, if applicable: name of the owner; telephone number; physical address; and the testing to be performed and/or equipment to be used at the off-site location (if more than one off-site location is desired, the applicant must also complete a Request to Utilize an Additional Off-site Location Form BOF 020A (Rev. 01/2012).~~

~~(g) — Authorized representative information: name and title of the person who has the legal authority to sign the application and attest to the required matters on behalf of the applicant laboratory, signed certification of the authorized representative, the county, state, and date of signature, and statements of certification that the laboratory agrees to give complete and truthful answers to questions that are pertinent to the laboratory's ability to perform FSD tests and to comply with all applicable federal, state, and/or local laws and/or regulations that relate to laboratory certification or FSD testing.~~

~~(h) — A signed certification stating that the laboratory and/or owner is free from any conflicts of interest as defined by section 4090 of these regulations; the signature of the authorized representative; and the county, state, and date of signature.~~

~~(i) — A signed certification ensuring: the notification to staff of laws relating to prohibitions against firearms possession, ensuring that prohibited persons do not have access to, come into contact with, and/or possess firearms; the laboratory obtaining and maintaining any required federal, state, and/or local licenses; and the laboratory complying with all applicable federal, state, and/or local laws and/or regulations; the signature of the authorized representative; and the county, state, and date of signature.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, ~~and 23655,~~ and 26710, Penal Code.

§ 4085. Pre-Certification Requirements.

(a) One or more of the owner(s), chief executive officer(s), or person(s) with primary responsibility for the operation of the laboratory shall obtain and maintain a valid COE as a condition of obtaining and maintaining certification.

(b) Once a completed application has been received, the DOJ shall schedule an on-site inspection of the applicant laboratory. During this inspection the applicant laboratory shall demonstrate its possession of all necessary equipment and its ability to properly conduct all of the procedures and tests described in section 4095 of these regulations.

(c) Applicant laboratories and existing certification holders subject to renewal shall obtain and maintain a valid FFL as a condition of obtaining and maintaining certification.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, ~~and 23655,~~ 26525, 26700 and 26710, Penal Code.

§ 4086. Grounds for Denial.

(a) An initial Application for ~~FSD~~ Laboratory Certification (Firearm Safety Device Testing) shall be denied if the applicant laboratory:

- (1) Makes false statements on the application.
- (2) Fails to meet the security requirements identified in section 4091, subdivision (a) of these regulations.
- (3) Is wholly or partly owned by, a part of, financed by, or in any other way financially supported by any firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer. As used in this subdivision, financial support does not apply to situations wherein an applicant laboratory is itself a federal firearms licensee or where the laboratory provides testing services to a firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.
- (4) Fails to demonstrate the ability to conduct the required testing as set forth in section 4095 of these regulations in an impartial, technically sound manner. Failure includes not having and using the equipment required by said subdivision.
- (5) Fails to obtain and maintain the required COE(s).
- (6) Fails to obtain and maintain the required FFL(s).
- ~~(7)~~ (7) Fails to comply with any required local, state, and/or federal laws and/or licensing requirements relating to FSD testing.

~~(7)~~ (8) Has any present or planned contractual, organizational, employment or other material financial involvement interest in, and/or relationship (~~spouse(s), children, sibling(s), parent(s), or in-law(s))~~) with, any firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer. This ~~would also apply~~ applies to any owner, employee(s), shareholder, partner, officer, and/or director of the applicant laboratory who is directly involved in FSD testing, ~~owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the applicant laboratory who has any such involvement or relationship.~~

~~(8)~~ (9) Is currently, or plans to be, a firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer. This ~~would also apply~~ applies to any owner, employee(s), shareholder, partner, officer, and/or director of the applicant laboratory who is directly involved in FSD testing, ~~owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the applicant laboratory.~~

~~(9)~~ (10) Has a present or planned direct, indirect, and/or beneficial interest aggregating \$1,000 or more in any entity that is a firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer. This would also apply to any employee(s) directly involved in FSD testing, owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the applicant laboratory.

(b) If the Department of Justice (DOJ) denies certification, ~~it the DOJ~~ shall provide a notice of denial to the applicant laboratory. The notice will specify all grounds on which the denial is based.

(c) An applicant laboratory that has been served with a notice of denial may request a hearing. The written request must be received by the DOJ no later than 20 days from the date of service of the notice of denial. If a hearing is requested, it will be conducted in accordance with Government Code section 11500 et seq. Failure to make a written request for a hearing within the time specified above constitutes a waiver of the right to a hearing. If this occurs or if the applicant laboratory withdraws its appeal, the denial shall be final.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, ~~and~~ 23655, 26525, 26700 and 26710, Penal Code.

Article 4. Operational Requirements, Firearm Safety Device Standards, Gun Safe Standards, Proof of Purchase or Ownership of a Gun Safe, Affixation of Required Warning

§ 4090. Absence of Conflict of Interest.

The DOJ-Certified FSD Laboratory shall at all times ensure that:

(a) It is not wholly or partly owned by, a part of, financed by, or in any other way financially supported by any firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer. As used in this subdivision, financial support does not apply to situations wherein an applicant laboratory is itself a federal firearms licensee or where the laboratory provides testing services to a firearm and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.

(b) ~~None of the owner, employee(s), shareholder, partner, officer, and/or director of the laboratory directly involved in FSD testing, or any parent, spouse, child, sibling, or in-law of such person the owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the Certified FSD Laboratory will:~~

- (1) Have any contractual, organizational, employment or other material financial involvement interest in and/or relationship (~~spouse(s), children, sibling(s), parent(s), or in-law(s))~~ with any firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.
- (2) Be a firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.
- (3) ~~Have any direct, indirect, or beneficial interest aggregating \$1,000 or more in any entity that is a firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4093. Firearm Safety Device Testing and Submission Requirements.

(a) Each FSD submitted for testing shall not be modified in any way from one of the same model that would be sold if certification is granted. If it is determined by the DOJ that a DOJ-approved FSD is modified in any way from those that are being sold after certification has been granted, the DOJ will immediately remove that model of FSD from the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale and may recall the FSD pursuant to Penal Code section 23680.

(b) ~~Four FSDs of each~~ Each FSD model to be tested shall be submitted to the DOJ-Certified FSD Laboratory. ~~A maximum of four FSDs are~~ Three of the devices are to be utilized by the laboratory for testing pursuant to section ~~4095, subdivision (e) 4095.1~~ of these regulations, ~~and the other device is to be utilized for testing pursuant to section 4095, subdivisions (d) and (e) of these regulations and~~ FSDs shall be forwarded by the laboratory to the DOJ pursuant to section 4096, subdivision (a) of these regulations. FSD manufacturers or dealers may supply any information that they believe may be needed by the laboratory for proper and safe operation of the FSD. The following information shall be provided in the English language with each FSD model submitted for testing:

- (1) The manufacturer's model name and model number of the FSD shall be clearly visible on the interior or exterior of the FSD.
- (2) A description of the FSD.
- (3) ~~A description~~ Instructions of how the FSD is intended to function and how the user should install and operate (activate/deactivate) the FSD. The instructions shall be typed and not handwritten.
- (7) The type, make, or model of firearm(s) for which the FSD is designed.

(5) Batteries shall be included if needed to operate the FSD.

(c) The DOJ may approve an untested FSD and list that FSD on the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale subject to all of the following:

(1) The DOJ shall review each FSD submitted pursuant to this subdivision on a case-by-case basis to determine whether or not a new test will be required.

(2) A model of FSD made by the same manufacturer must already be listed on the Roster of Firearm Safety Devices Certified for Sale ~~Roster~~ and the device submitted for approval pursuant to this subdivision shall differ from the listed FSD in only the following:

(A) Finish, including, but not limited to, color, ~~or~~ engraving, or silk screening.

(B) Any feature that does not in any way alter the material or functioning of any of the components of the FSD. Dimensional changes in an FSD may be approved by the DOJ without additional testing on a case-by-case basis when the dimensional changes do not alter the device's ability to operate in the same manner demonstrated in the laboratory including when the dimensional changes do not alter the size of the door and/or the locking bolts.

(C) Change in name or model number without affecting the design or function of the FSD.

(3) Any manufacturer seeking to have an FSD approved under this subdivision shall provide the DOJ with all of the following:

(A) The manufacturer model name and model number of the listed FSD.

(B) The manufacturer model name and model number of each FSD the manufacturer seeks to have listed under this section.

(C) A statement, under oath, that each unlisted FSD for which listing is sought differs from the listed FSD only in one or more of the ways identified by this subdivision and is in all other respects identical to the listed FSD.

(D) When submitting a request to list an FSD as a similar, the manufacturer shall utilize a form prescribed by DOJ, which shall be approved and signed by an owner or CEO of the company. Additionally, an owner and/or CEO signing the form shall submit written proof that he or she is a current owner or CEO of the company or corporation. The manufacturer shall include with the form digital images of the FSD model that is currently on the Roster of Firearm Safety Devices Certified for Sale, which the manufacturer is relying on for the approval, and digital image(s) of the proposed similar device.

~~(D)~~(E) The DOJ may, at its discretion and at any time, require a manufacturer to provide to the DOJ an example of any FSD model for which listing is sought under

this section, to determine whether the model complies with the requirements of this section.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, 23655 and 23680, Penal Code.

§ 4094. Firearm Safety Device Standards.

(a) The FSD shall be of a design that will not allow its removal or deactivation except by utilizing a key, combination, or other unique method as intended by the manufacturer to allow access only by authorized users, within the standards set forth in these regulations.

(1) Combination locking systems shall have a minimum of 1,000 possible unique combinations consisting of a minimum of three numbers, letters, or symbols per combination.

(2) Key locking systems shall be unique to the manufacturer's FSD(s).

(b) The FSD shall render the firearm inoperable (unable to be fired) while the FSD is properly installed. The firearm shall be rendered inoperable immediately upon installation and activation of the FSD. Lock box style FSDs (devices that fully contain and enclose the firearm) must prevent removal of, and access to, the enclosed firearm. The laboratory shall use smallest gun available for testing the lock box/fully enclosed FSD, pursuant to 4095(b)(12) of these regulations.

(c) An FSD shall function by at least one of the following methods:

(1) By blocking travel of the trigger, striker, firing pin, or hammer.

(2) By preventing the action or cylinder from closing.

(3) By preventing the chamber(s) from accepting or holding a live cartridge.

(4) By preventing access to the firearm.

(d) When used in the manner designed and intended by the manufacturer, the FSD shall be capable of repeated use and shall pass the testing procedures described in these regulations.

(e) The FSD shall be capable of withstanding manipulation with common household tools, as described in section 4095 - Testing Procedures, for an approximate ten-minute period without being disabled.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4095. Testing Procedures.

~~The tests in this section are designed to replicate the forces that would be exerted on FSDs through the use of common household tools for an approximate ten-minute period.~~

(a) The only persons allowed to conduct FSD testing are authorized staff of the DOJ-Certified FSD Laboratory. In addition to this staff, representatives of the FSD manufacturer or dealer and/or the DOJ shall be allowed to be present during testing. Any such representative(s) shall not participate in the testing. However, if deemed necessary by the staff of the laboratory, representative(s) of the FSD manufacturer or dealer may be asked to provide advice and/or guidance regarding the characteristics, handling, and/or operation of the FSD.

(b) Each laboratory testing an FSD pursuant to these regulations must comply with the following test criteria relative to each FSD tested:

(1) All tests shall be conducted within the following tolerances as applicable:

(A) Force: 0.5% of working range.

(B) Height: +/- 3mm (0.12 inches).

(C) Torque: 4.0% of reading.

(D) Weight: +/- 10 grams (.02 pounds).

(2) All tests shall be conducted at temperatures between 16 and 27 degrees Celsius (61-81 degrees Fahrenheit).

(3) A tensile loading device having a load and force measuring capacity of 4,450 newtons (1,000 pounds force) shall be utilized for appropriate tests.

(4) The American Society for Testing and Materials Standard Performance Specification for Padlocks (ASTM) ~~F883-97~~ F883-13. Copies can be obtained by contacting ASTM, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, Pennsylvania 19428-2959, telephone number 1 (877) 909-2786, or on the Internet: www.astm.org, and are available for inspection at the Department of Justice, Bureau of Firearms, or the California State Archives at the Secretary of State, 1020 "O" Street, Sacramento, California 95814. ~~is incorporated into these regulations by reference.~~ A shock impact fixture shall be constructed utilizing the same design as the shock impactor fixture illustrated and detailed in said specification and a shackle cutting fixture shall be constructed utilizing the same design as the shackle cutting fixture illustrated and detailed in said specification.

(5) A mounting device shall be fashioned and used to align and to support the FSD being tested on the mounting device when being subjected to required shock loads.

(6) The FSD shall be properly installed on a firearm according to the manufacturer's instructions unless otherwise stated in these regulations.

(7) FSDs may be tested when they are not installed on a firearm if it is determined by the test laboratory that the firearm would interfere with the test equipment's ability to apply measurable forces to the FSD. Testing an FSD while it is not installed on a firearm is allowed only when the measurable forces are applied to areas of the FSD that would be

exposed when the FSD is properly installed. FSDs shall be tested on a complete firearm whenever possible.

(8) The FSD shall not be of a design to allow it to be disabled or removed from the firearm through the partial destruction of the firearm with common household tools. Partial destruction includes, but is not limited to, cutting an exposed trigger guard or removing the hammer spur of the firearm (if so equipped).

(9) Notwithstanding the FSD manufacturer's instructions, for each of the tests, a primed case will be placed in the firing chamber if the chamber can be closed. The primed case shall be produced by an ammunition manufacturer and consist of the same type of case and primer as standard ammunition recommended by the firearm manufacturer. With the FSD properly installed, the firearm shall be rendered incapable of firing the primed case. If the firearm discharges the primed case during any of the tests, even if only capable of firing once and even if unsafe to do so, the device is deemed to have failed testing.

(10) Notwithstanding the FSD manufacturer's instructions, for each test, the firearm shall be cocked, and the manual safety shall not be applied.

(11) All of the tests designated in section 4095.1 subdivision (a) ~~subdivisions (e)(1) through (e)(5) of this section~~ shall be performed on a single FSD. The tests designated in section 4095.1 subdivision (b) ~~subdivision (e)(6) of this section~~ shall be performed on a separate single FSD. The tests designated in section 4095.1 subdivision (c) ~~subdivisions (e)(7) through (e)(8) of this section~~ shall be performed on a separate single FSD. The test designated in section 4095.1 subdivision (d) ~~subdivision (d) or (e) of this section~~ shall be performed on a separate single FSD.

(12) All lock box type devices (devices designed to fully contain and enclose a firearm) shall be tested with a small handgun placed within the device. The small handgun shall be loaded with a primed case and be no greater than 5 inches (L) x 3 inches (H) x 1 1/4 inches (W) in size. The small handgun may be in addition to any other firearm(s) used in testing. Lock boxes designed to accommodate long guns must be tested with at least one long gun placed within the container in addition to the small handgun mentioned above. Lock boxes which cannot prevent the removal of, or access to discharging of, the firearm(s) contained within the device will be considered disabled.

(13) Manipulation with a screwdriver, as described in these regulations, is to be applied only to the areas directly affected (weakened) by the proceeding test.

~~(c) Each Certified FSD Laboratory shall perform all of the following tests on each FSD model submitted to the laboratory for testing pursuant to these regulations in an attempt to defeat the device, cause the firearm to function, or cause the loaded primed case to discharge:~~

~~(1) Picking or manipulating test (utilize a new FSD) (does not apply if test cannot be performed on the device). Cylinders in the FSD shall resist picking with the use of paper clips (jumbo size), paper clips (#1 size), and small screwdrivers that fit in the keyway for two minutes each. Time shall be counted only while tools are in contact with the lock. Combination locks shall resist manual manipulation for two minutes. Time shall be counted~~

only while hands are manipulating the combination lock. This test shall be performed by a tester with no specialized training or skills in lock picking or manipulation (e.g. locksmith training or the use of reference guides on lock picking or manipulation). In the case of a key lock, failure occurs if the lock mechanism can be disengaged during six minutes of manipulation. In the case of a combination lock, failure occurs if the combination lock can be disengaged without the proper combination being entered during two minutes of manipulation.

(2) ~~Forced removal inspection. Inspect the firearm and FSD to determine if the FSD is of such a design that it may not be disabled or removed from the firearm through two minutes of partial destruction of the firearm with common household tools. Partial destruction attacks shall be limited to the firearm's trigger guard, hammer spur, or barrel. For example, an FSD that fully encloses the trigger guard of the firearm may pass this inspection, while an FSD that would allow a portion of the trigger guard to be sawed off to allow for removal of the FSD may fail this inspection. Failure occurs if inspection of the firearm and FSD indicates that the FSD may be disabled or removed through the partial destruction of the firearm as described in this subdivision. Failure also occurs if the firearm could be fired, even if unsafe to do so, as a result of the forced removal inspection. Attack by saw shall be performed in accordance with the specifications and limitations of the sawing test (included by reference).~~

(3) ~~Tensile test (does not apply if test cannot be performed on the device). This test is designed to test the strength of the FSD utilizing a pulling action. Support the firearm and FSD in a fixture designed to enable application of forces in tension along a central axis of the mating locking components of the FSD. Apply 1,000 newtons (225 pounds force) of forces slowly along the central axis of the FSD locking components without interfering or giving support to either of the mating locking components of the FSD. For FSDs that have clamping components, specific fixtures may be required to allow application of the required force to the individual components. Failure occurs if the FSD is disabled or if the firearm is capable of firing during the test. For instance, if the FSD separates far enough to allow for the discharge of the firearm while manipulating the trigger.~~

(4) ~~Shock test (does not apply if test cannot be performed on the device). This test is designed to test the FSD and locking mechanism's ability to withstand shock. Using the shock impact fixture, drop a one kilogram (2.2 pound) weight from a distance of one meter \pm one centimeter (39.4 inches \pm 0.4 inches) five times to the top of the FSD body aligned to impinge and penetrate the locking keyway or combination lock using a chucked blade-type tool (chucked blade-type tool should be crafted from the shank of a screwdriver with a 1/4 to 5/8-inch (0.63 to 1.6 centimeter) flathead end). Additionally, using the shock impact fixture, drop a one kilogram (2.2 pound) weight from a distance of one meter (39.4 inches), five times to the top of the FSD body using a chucked steel rod tool. Failure occurs if the FSD is disabled by the shock test. Failure also occurs if following the shock test, subsequent manipulation of the FSD with an 8 to 10-inch (20.3 to 25.4 centimeter) long screwdriver with a 1/4 to 5/8-inch (0.63 to 1.6 centimeter) flathead end for fifteen seconds allows the tester to discharge a primed case.~~

(5) ~~Shackle or cable cutting test (does not apply if test cannot be performed on the device). This test is designed to determine the FSD's resistance to cutting forces of 4,450~~

newtons (1,000 pounds force) for solid metal shackles or with hand forces of 445 newtons (100 pounds force) for cables. The shackle of the FSD (if so equipped) shall withstand cutting through when blades made of steel, hardened to a minimum hardness of Rc 50, are used in conjunction with the blade positioning holders of the shackle cutting fixture. The shearing assembly must then be placed in a tensile loading device having a compression load capability and compressed with a force of 4,450 newtons (1,000 pounds force). See the ASTM F883-97 standard for details to build a shackle cutting fixture (this document is incorporated by reference into these regulations). The cable of the FSD (if so equipped) shall withstand cutting through with 9 1/2-inch lineman pliers with a force of 100 pounds (445 newtons) for two minutes. The force shall be applied to the handles of the pliers at a point that is 6 inches (+/- 0.25 inches) from the center of the pliers' pivot pin, and the cable shall be placed between the blades so that the cable's centerline is 0.75 inches (+/- 0.05 inches) from the center of the pliers' pivot pin. The FSD is to be supported on both sides of the point of the shear cut with allowance for blade clearance. Failure occurs if the FSD is disabled.

(6) Plug pulling test (utilize a new FSD)(does not apply if test cannot be performed on the device). This test is designed to test a cylinder lock's ability to withstand a pulling action to dislodge the plug from the cylinder, but not to test the lock's ability to withstand drilling. Drill the keyway with a number 20 (0.161 inch, 0.41 centimeter) diameter drill bit and insert a self tapping screw of size AB 12 at least 0.75 inches (1.90 centimeters) deep. Apply a required tension of 1,000 newtons (225 pounds force) axially between the case and installed screw. Failure occurs if the FSD can be opened by fifteen seconds of manipulation with an 8 to 10-inch (20.3 to 25.4 centimeter) long with the largest flat blade (not to exceed 5/8 inch (1.6 centimeter)) that will fit into the keyway at the conclusion of the test. Failure also occurs if the FSD is disabled. If the self tapping screw cannot be inserted at least 0.75 inches (1.90 centimeters), insert the screw as far as possible, continue with the test and document the depth to which the screw was inserted. The test does not need to be applied to keyways which cannot accept the self tapping screw due to the keyway's size, design, or materials. In addition, if the FSD is of a design that it breaks the drill bit or self tapping screw and prevents the test from being performed the test does not apply and does not need to be performed again on this device.

(7) Plug torque test (utilize a new FSD) (does not apply if test cannot be performed on the device). This test is designed to test the ability of an FSD's keyway, if so equipped, to withstand torque pressures. Install the FSD in a rigid fixture such as a vise to support it firmly but not restrict free rotation of the plug in the cylinder. Insert a screwdriver with the largest flat blade (not to exceed 5/8-inch (1.6 centimeter)) that will fit into the keyway, so that a torque load of ten newton-meters (89 pounds force inches) can be applied to the plug. The test technician may lightly tap the screwdriver blade into the keyway so that the blade is seated and torque can be applied. Care should be taken so as not to mar the keyway beyond what is necessary to create enough grip to perform the test. If a keyway resists the insertion of the screwdriver blade or deforms so that torque cannot be applied and the test cannot be performed, this test does not apply and does not need to be performed again on this device. Torque may be applied in any combination of clockwise or counterclockwise directions. Failure occurs if the FSD is disabled.

(8) — Sawing test (does not apply if test cannot be performed on the device). Sawing tests shall be performed using a sawing machine or hand held saw. The FSD may be held with an appropriate fixture to hold the device steady while sawing. The sawing test is designed to determine the FSD's resistance to sawing of exposed components. Exposed components may include, but are not limited to, cables, lock bodies and hinges. The testing agent shall accomplish a test using a new standard carbon steel hacksaw blade with 32 teeth per inch (2.54 centimeters) with a constant vertical downward force of ten pounds (44.5 newtons). Only one saw blade shall be used during the test. The test shall consist of 60 cutting cycles per minute for two minutes by sawing machine, or 120 cycles, with no time limit, by hand. One cutting cycle is defined as the combination of one 6 inch forward and one 6 inch backward cutting motion. The saw attack may consist of a series of separate 120 cutting cycle attacks, but in no instance shall more than 120 cutting cycles be applied to any one "specified" location. For example, the testing agent may identify (specify) the hinge and lock body areas of an FSD as vulnerable to attack. A total of 120 cutting cycles may be applied to the hinge of the device and an additional 120 cutting cycles may be applied to the lock body of the device. At the conclusion of the sawing test, the testing agent shall manipulate the FSD for fifteen seconds by hand in an attempt to disable the FSD. Failure occurs if the FSD is disabled.

(d) — In addition to the tests specified in subdivision (c) of this section, the Certified FSD Laboratory shall perform the following tests on a model of each FSD in which the firing chamber of the firearm is capable of accommodating a primed case with the firing chamber closed and the FSD properly installed, that is submitted to the laboratory for testing pursuant to these regulations. This requirement does not apply to an FSD that prevents access to the firearm by fully containing and enclosing the firearm (lock box type devices):

(1) — (Utilize a new FSD). The FSD shall be activated in accordance with the manufacturer's instructions as specified in paragraphs (6), (9), and (10) of subdivision (b) of this section. The firearm shall be placed in a drop fixture capable of dropping the firearm from a drop height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop distance shall be measured from the lowermost portion of the weapon to the top surface of the slab. The firearm shall be dropped from a fixture and not from the hand. An approved drop fixture is a short piece of string with the firearm attached at one end and the other end held in an air vise until the drop is initiated. The firearm shall be dropped in the following orientations:

(A) — Normal firing position with the barrel horizontal.

(B) — Upside down with the barrel horizontal.

(C) — If the firearm is a handgun, on the grip with the barrel vertical.

(D) — On the muzzle with the barrel vertical.

(E) — On either side with the barrel horizontal.

(F) — If there is an exposed hammer or striker, on the rearmost point of the device, otherwise on the rearmost point of the weapon.

~~(2) At the conclusion of the drop test, the tester shall attempt to fire the firearm in an attempt to discharge the primed case. Failure occurs if the firearm can be operated manually, if a primed case is discharged during any of the drop tests, or if the FSD is disabled following any of the orientation drop tests.~~

~~(e) In addition to the tests specified in subdivision (e) of this section, the Certified FSD Laboratory shall perform the following tests on a model of each FSD that fully contains and encloses the firearm (lock box type devices) that is submitted to the laboratory for testing pursuant to these regulations. This requirement does not apply to any lock box type FSD that weighs more than 75 pounds (27.99 kilograms) or has a combined length and girth that is greater than or equal to 110 inches (279.4 centimeters):~~

~~(1) (Utilize a new FSD. Test shall be conducted with a firearm containing a primed case with the firing chamber closed inside the FSD. This test does not need to be performed with an approved drop fixture and may be performed by hand.) The FSD shall be dropped from a height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop distance shall be measured from the lowermost portion of the FSD to the top surface of the slab. The FSD shall be dropped in the following orientations:~~

~~(A) With the locking mechanism facing directly up.~~

~~(B) With the locking mechanism facing directly down.~~

~~(2) Failure occurs if the FSD is disabled or the firearm contained within the enclosed container discharges.~~

~~(f) Failure of any test occurs if the FSD is disabled, if the firearm is made to function, or if the firearm discharges the primed case during or as a result of the test. A failure of any one FSD in any of the tests constitutes a failure of the complete test.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4095.1 Firearm Safety Device Tests and Testing Sequence

The tests in this section are designed to replicate the forces that would be exerted on FSDs through the use of common household tools. Each DOJ-Certified Laboratory shall perform all of the following tests on each FSD model submitted to the laboratory for testing pursuant to these regulations in an attempt to: defeat the device, cause the firearm to function, or cause the primed case to discharge. Utilize a new FSD for each test sequence.

(a) First FSD Test Sequence. One FSD shall be used for the following tests:

(1) Manipulate or pick test (does not apply if test cannot be performed on the device). This test shall be performed by a tester with no specialized training or skills in lock picking or manipulation (e.g. locksmith training or the use of reference guides on lock picking or

manipulation). Time shall be counted only while tools are in contact with the lock. For FSDs with multiple lock types, each applicable test shall be performed on each lock on the device.

(A) An FSD equipped with a fingerprint reader shall be tested in the following manner: the tester shall store one fingerprint as directed by the owner's manual. The tester shall then test nine (9) other fingerprints to see if the FSD opens or unlocks. If the device opens or unlocks then the FSD fails. If the device locks out the fingerprint reader after failed attempts, the tester shall continue to try fingerprints when the fingerprint reader is no longer in a locked out state, until nine (9) fingerprints have been tried and failed. If none of the nine (9) fingerprints opens or unlocks the FSD, then it has passed the manipulation test.

(B) Combination/electronic locks shall resist manual manipulation for two minutes. Time shall be counted only while hands are manipulating the combination/electronic lock. In the case of a combination/electronic lock, failure occurs if the combination/electronic lock can be disengaged without the proper combination being entered during two minutes of manipulation.

(C) Keyways of the FSD shall resist picking with the use of paper clips (jumbo size), paper clips (#1 size), and any common household tool listed in section 4082(d) of these regulations, that fit inside at least 50 percent of the keyway, for a total of six minutes. Additionally, the laboratory shall use a combination of two of the tools listed in section 4082(d) of these regulations, that fit inside at least 50 percent of the keyway, for two minutes. For a key lock, failure occurs if the lock mechanism can be disengaged during picking.

(D) For a tubular lock, failure occurs if the lock mechanism can be disengaged during two minutes of manipulation with a ballpoint pen body/shaft.

(2) Tensile test (does not apply if test cannot be performed on the device). This test is designed to test the strength of the FSD utilizing a pulling action. Support the firearm and FSD in a fixture designed to enable application of forces in tension along a central axis of the mating locking components of the FSD. Apply 1,000 newtons (225 pounds force) of forces slowly along the central axis of the FSD locking components without interfering or giving support to either of the mating locking components of the FSD. For FSDs that have clamping components, specific fixtures may be required to allow application of the required force to the individual components. Failure occurs if the FSD is disabled or if the firearm is capable of firing during the test. For instance, if the FSD separates far enough to allow for the discharge of the firearm while manipulating the trigger.

(3) Shock impact test shall be performed on all lock types and devices. This test is designed to test the FSD and locking mechanism's ability to withstand shock and impact. Using the shock impact fixture, or a modified shock impact fixture to accommodate a larger FSD, drop a one-kilogram (2.2 pound) weight from a distance of one meter + one centimeter (39.4 inches + 0.4 inches) five times to the top of the FSD body. The weight will be aligned to impinge and penetrate the locking keyway or combination lock using a chucked blade-type tool (chucked blade-type tool should be crafted from the shank of a

screwdriver with a 1/4 to 5/8-inch [0.63 to 1.6-centimeter] flathead end). Additionally, using the shock impact fixture, drop a one-kilogram (2.2 pound) weight from a distance of one meter (39.4 inches), five times to the top of the FSD body using a chucked steel rod tool. Failure occurs if the FSD is disabled by the shock impact test. Failure also occurs if following the shock impact test, subsequent manipulation of the FSD with an 8 to 10-inch (20.3 to 25.4-centimeter) long screwdriver with a 1/4 to 5/8-inch (0.63 to 1.6-centimeter) Philips or flathead, and/or with one of the common household tools inserted through the opening or hole exposed after shock impact of the locking keyway, combination lock, or fingerprint reader for thirty seconds and allows the tester to unlock the FSD or discharge a primed case.

(4) Shackle or cable cutting test (does not apply if test cannot be performed on the device). This test is designed to determine the FSD's resistance to cutting forces of 4,450 newtons (1,000 pounds force) for solid metal shackles or with hand forces of 445 newtons (100 pounds force) for cables. The shackle of the FSD (if so equipped) shall withstand cutting through when blades made of steel, hardened to a minimum hardness of Rc 50, are used in conjunction with the blade positioning holders of the shackle cutting fixture. The shearing assembly shall then be placed in a tensile loading device having a compression load capability and compressed with a force of 4,450 newtons (1,000 pounds force). See the ASTM F883-13 standard for details to build a shackle cutting fixture. For ASTM F883-13, copies can be obtained by contacting ASTM, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, Pennsylvania 19428-2959, telephone number 1 (877) 909-2786, or on the Internet: www.astm.org, and are available for inspection at the Department of Justice, Bureau of Firearms, or the California State Archives at the Secretary of State, 1020 "O" Street, Sacramento, California 95814. The cable of the FSD (if so equipped) shall withstand cutting through with 9 1/2-inch lineman pliers with a force of 100 pounds (445 newtons) for two minutes. The force shall be applied to the handles of the pliers at a point that is 6 inches (+/- 0.25 inches) from the center of the pliers' pivot pin, and the cable shall be placed between the blades so that the cable's centerline is 0.75 inches (+/- 0.05 inches) from the center of the pliers' pivot pin. The FSD is to be supported on both sides of the point of the shear cut with allowance for blade clearance. Failure occurs if the FSD is disabled.

(b) Second FSD Test Sequence. One FSD shall be used for the following tests:

(1) Plug torque test (does not apply if test cannot be performed on the device). This test is designed to test the ability of an FSD's keyway, if so equipped, to withstand torque pressures. Install the FSD in a rigid fixture, such as a vise, to support it firmly but not restrict free rotation of the plug in the cylinder. Insert a screwdriver with the largest flat blade (not to exceed 5/8-inch (1.6 centimeter) that will fit into the keyway, so that a torque load of 10 newton-meters (89 pounds force-inches) can be applied to the plug. The test technician may lightly tap the screwdriver blade into the keyway so that the blade is seated and torque can be applied. Care should be taken so as not to mar the keyway beyond what is necessary to create enough grip to perform the test. If a keyway resists the insertion of the screwdriver blade or deforms so that torque cannot be applied and the test cannot be performed, this test does not apply and does not need to be performed again on this device. Torque may be applied in any combination of clockwise or counterclockwise directions. Failure occurs if the FSD is disabled.

(2) Forced removal test (does not apply for a firearm that is fully enclosed by a gun safe or lockbox, or where the FSD does not attach itself to the firearm). Partial destruction attacks shall be limited to the FSD, the firearm's trigger guard, hammer spur, or barrel. For example, an FSD that fully encloses the trigger guard of the firearm may pass this inspection, while an FSD that would allow a portion of the trigger guard to be sawed off to allow for removal of the FSD may fail this inspection. An FSD that prevents hammer movement by trapping and/or blocking the hammer spur shall fail the test if full or partial removal of the hammer spur with common household tools would allow removal of the FSD. An FSD that blocks and/or plugs the barrel shall fail the test if partial removal of the barrel would allow removal of the FSD. Failure occurs if inspection of the firearm and FSD indicates that the FSD may be disabled or removed through the partial destruction of the firearm as described in this subdivision. Failure also occurs if the firearm could be fired, even if unsafe to do so, as a result of the forced removal inspection. Attack by saw shall be performed in accordance with the specifications and limitations of the sawing test as described in section 4095.1(c)(1) of these regulations.

(3) Forced entry test (does not apply if test cannot be performed on the device). If a firearm is fully enclosed by a gun safe, lockbox, or if the FSD does not attach itself to the firearm, the FSD shall be tested per this section. Time shall be counted when tools are in contact with the FSD. The FSD shall be attacked in the area where the door or lid meets the body of the device in an attempt to pry the door or lid open. The tools that shall be used are a flathead screwdriver and pry bar, each a size that will fit in the gap, and a hammer. Any combination of the three tools shall be used for a total of three minutes.

(c) Third FSD Test Sequence. One FSD shall be used for the following tests:

(1) Sawing test (does not apply if test cannot be performed on the device). The sawing test shall be performed using a sawing machine or hand held saw. The FSD may be held with an appropriate fixture to hold the device steady while sawing. The sawing test is designed to determine the FSDs resistance to sawing of exposed components. Exposed components may include, but are not limited to, cables, lock bodies, and hinges. The testing agent shall accomplish a test using a new standard carbon steel hacksaw blade with 32 teeth per inch (2.54 centimeters) with a constant vertical downward force of 10 pounds (44.5 newtons). Only one saw blade shall be used during the test. The test shall consist of 60 cutting cycles per minute for two minutes by sawing machine, or 120 cycles, with no time limit, by hand. One cutting cycle is defined as the combination of one 6-inch forward and one 6-inch backward cutting motion. The saw attack shall consist of a series of separate 120 cutting cycle attacks, but in no instance shall more than 120 cutting cycles be applied to any one "specified" location. For example, the testing agent may identify the hinge and lock body areas of an FSD as vulnerable to attack. A total of 120 cutting cycles may be applied to the hinge of the device and an additional 120 cutting cycles may be applied to the lock body of the device. At the conclusion of the sawing test, the testing agent shall manipulate the FSD for 30 seconds by hand in an attempt to disable the FSD. Failure occurs if the FSD is disabled.

(2) Plug pulling test (does not apply if test cannot be performed on the device). This test is designed to test a cylinder lock's ability to withstand a pulling action to dislodge the plug from the cylinder, but not to test the lock's ability to withstand drilling. Drill the keyway with a number 20 (0.161 inch, 0.41 centimeter) diameter drill bit and insert a self tapping

screw of size AB 12, at least 0.75 inches (1.90 centimeters) deep. Apply a required tension of 1,000 newtons (225 pounds force) axially between the FSD and installed screw. If the device opens or unlocks at any time during this test, it fails the test. Failure also occurs if the FSD can be opened by 15 seconds of manipulation with an 8 to 10-inch (20.3 to 25.4-centimeter) long flathead screwdriver, with the largest flat blade that will fit into the keyway (not to exceed 5/8 inch [1.6 centimeter]) at the conclusion of the test. If the self-tapping screw cannot be inserted at least 0.75 inches (1.90 centimeters), insert the screw as far as possible, continue with the test, and document the depth to which the screw was inserted. The test does not need to be applied to keyways which cannot accept the self-tapping screw due to the keyway's size, design, or materials. In addition, if the FSD is of a design that it breaks the drill bit or self-tapping screw and prevents the test from being performed the test does not apply and does not need to be performed again on this device.

(d) Fourth FSD Test Sequence. One FSD shall be used for the following tests:

(1) Drop test.

(A) (This requirement does not apply to an FSD that prevents access to the firearm by fully containing and enclosing the firearm - lock box type devices). For an FSD model in which the firing chamber of the firearm is capable of accommodating a primed case with the firing chamber closed and the FSD properly installed (i.e. trigger locks), the DOJ-Certified Laboratory shall perform the following test:

(i) The FSD shall be activated in accordance with the manufacturer's instructions as specified in paragraphs (6), (9), and (10) of subdivision (b) of section 4095 of these regulations. The firearm shall be placed in a drop fixture capable of dropping the firearm from a drop height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop distance shall be measured from the lowermost portion of the weapon to the top surface of the concrete slab. The firearm shall be dropped from a fixture and not from the hand. An approved drop fixture is a short piece of string with the firearm attached at one end and the other end held in an air vise until the drop is initiated. The firearm shall be dropped in the following orientations:

(I) Normal firing position with the barrel horizontal.

(II) Upside down with the barrel horizontal.

(III) If the firearm is a handgun, on the grip with the barrel vertical.

(IV) On the muzzle with the barrel vertical.

(V) On either side with the barrel horizontal.

(VI) If there is an exposed hammer or striker, on the rearmost point of the device, otherwise on the rearmost point of the weapon.

(ii) At the conclusion of each phase of the drop test, the tester shall attempt to fire the firearm in an attempt to discharge the primed case. Failure occurs if the firearm can be operated manually, if a primed case is discharged during any of the drop tests, or if the FSD is disabled following any of the orientation drop tests.

(B) (This requirement does not apply to any lock box type FSD that weighs more than 75 pounds (27.99 kilograms) or has a combined length and girth that is greater than or equal to 110 inches (279.4 centimeters). For an FSD model that fully contains and encloses the firearm, the DOJ-Certified Laboratory shall perform the following test:

(i) The test shall be conducted with a firearm containing a primed case with the firing chamber closed inside the FSD. This test does not need to be performed with an approved drop fixture and may be performed by hand. The FSD shall be dropped from a height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop distance shall be measured from the lowermost portion of the FSD to the top surface of the slab. The FSD shall be dropped in the following orientations:

(I) With the locking mechanism facing directly up.

(II) With the locking mechanism facing directly down.

(III) For square or rectangular shaped FSDs, each shall be dropped at least once on each of the device's corners not to exceed eight drops. For devices with non-square or non-rectangular shapes, each shall be dropped one additional drop on any area of the device not previously tested under this section for a total of nine drops.

(ii) Failure occurs if the FSD is disabled or the firearm contained within the enclosed container discharges.

(e) Failure of any test occurs if the FSD is disabled, if the firearm is made to function, or if the firearm discharges the primed case during or as a result of the test. A failure of any one FSD in any of the tests constitutes a failure of the complete test.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4096. Test Reporting.

(a) If an FSD meets the required standards and has passed the required testing, the DOJ-Certified FSD Laboratory shall submit to the DOJ a completed ~~Firearm Safety Device~~ Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, and the FSD utilized for the drop-testing under section 4095.1, subdivision (d) ~~or (e)~~ or if not applicable, the safe utilized under section 4095.1(c), of these

regulations in accordance with Penal Code section 23655, subdivision (c). ~~The Firearm Safety Device Compliance Test Report shall require all of the information identified in section 4097, subdivision (a) of these regulations, and which shall be signed by the person authorized to sign on behalf of the laboratory. In the event that an FSD does not pass any of the required tests, the DOJ-Certified Laboratory shall submit to the DOJ a completed Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. 07/2018).~~

(b) ~~The DOJ-Certified FSD-Laboratory shall submit the required report to the DOJ within ten (10) working days of the completion of the testing. Failure to submit said report to the DOJ within the time frame identified above shall not invalidate the results of the testing. However, the DOJ may inspect the laboratory to determine whether grounds exist to revoke the certification of the laboratory.~~

(c) FSD manufacturers or dealers are prohibited from placing any statement, logos, and/or stickers on the FSD itself, the labeling, the box/packaging, and/or accompanying user information that in any way states, implies, and/or otherwise suggests that the FSD has been approved for sale in California under Penal Code sections 23650 and 23655 unless the FSD is on the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale. At that time and only while the FSD is listed on the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale, the FSD manufacturer or dealer may place the following statement in the required user information:

“This is a California-approved Firearm Safety Device that meets the requirements of Penal Code section 23655 and the regulations issued thereunder.”

(d) The manufacturer or dealer of an FSD approved under these regulations shall specify, in the packaging or descriptive materials accompanying the device, those firearms for which the device meets the standards and are capable of passing the testing described in these regulations.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4097. Required Records, Retention Periods, Reporting Changes.

(a) ~~The DOJ-Certified FSD Laboratory shall, for a minimum of five years from the date of the Firearm Safety Device Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. 01/2012 07/2018), maintain sufficient records to support the results of any and all such reports.~~

~~(1) The name and address of the Certified FSD Laboratory that conducted the test.~~

~~(2) The name and address of the FSD manufacturer or dealer that submitted the FSD model for testing, as well as the name and telephone number of a contact person of the submitting manufacturer or dealer. If the DOJ submitted the FSD, this fact shall be noted in the records.~~

~~(3) Date, time, and location of the testing, and any off-site equipment and/or facilities that are used during any portion of the testing.~~

- ~~(4) The unique reference number/identifier issued by the Certified FSD Laboratory for the testing.~~
- ~~(5) The results of each phase of the required testing.~~
- ~~(6) The date the report was submitted to the DOJ.~~
- ~~(7) The name and telephone number of a contact person who should be contacted if there are any questions regarding the testing and/or the report.~~
- ~~(8) The make, model, construction material, and type of FSD tested.~~
- ~~(9) The make, model, caliber, barrel length, and type of each firearm on which the laboratory tested the device.~~
- ~~(10) Identification of the manufacturer and type of primer used in the primed cases used in the testing.~~
- ~~(11) An identification of each of the tests that was performed on the FSD tested.~~
- ~~(12) A statement that the FSD meets each of the standards for FSDs prescribed in these regulations.~~
- ~~(13) The names and business affiliation of all persons who have witnessed any part of the testing procedure.~~
- ~~(14) The name(s) and title(s) of laboratory staff who conducted and/or performed the required testing.~~
- ~~(15) The signature of the lead person who conducted the testing along with his or her title and printed name, and the date of signature.~~

(b) The following records shall also be maintained by all DOJ-Certified ~~FSD~~ Laboratories:

- (1) A listing of any and all current off-site facilities that have been reported to the DOJ, and are or may be used by the DOJ-Certified ~~FSD~~ Laboratory for FSD testing.
- (2) A listing of all current employees who are directly involved in FSD testing.
- (3) Records relating to the current ownership of the laboratory.
- (4) Records relating each firearm stolen or lost from the laboratory must be retained for at least ten years from the date that the firearm was reported lost or stolen.

(c) The DOJ-Certified ~~FSD~~ Laboratory shall report within ten (10) working days any changes. Failure to report changes may lead to revocation. The following changes shall be reported:

- (1) In the ownership, involvements, relationships, license prohibitions, and/or interests identified in sections 4086 and 4090 of these regulations and ensure that any such change

would not constitute grounds for denial of an Application for Laboratory Certification (Firearm Safety Device Testing), ~~Firearm Safety Device Laboratory Certification Form BOF 019A (Rev. 01/2012 07/2018)~~.

(2) Involving management personnel, FSD testing supervisor(s) and/or personnel, person(s) authorized to sign ~~Firearm Safety Device Compliance Test Reports (Firearm Safety Devices)~~, (DOJ Form BOF 021A Rev. 07/2018), person(s) who hold COE(s); and/or the FSD testing equipment and/or facilities of the laboratory.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4098. Off-Site Location.

(a) A DOJ-Certified FSD Laboratory may not utilize any FSD testing equipment and/or facilities that are at a location other than the primary business address of the laboratory unless all of the following conditions are met:

(1) The off-site location is not more than 100 miles from the primary business address.

(2) The laboratory provides the following information to the DOJ prior to beginning any testing at the off-site location: the name of the facility/owner, telephone number, physical address of the location; and the type of equipment and/or facilities to be used and/or the testing to be performed at each location.

(b) Notwithstanding subdivision (a) of this section, if more than one off-site location is needed for testing purposes, the applicant or DOJ-Certified FSD Laboratory must submit a completed Request to Utilize an Additional Off-Site Location (Firearm Safety Device Testing), Form BOF 020A (Rev. 01/2012 07/2018), hereby incorporated by reference, for each such location. ~~The Form BOF 020A (Rev. 01/2012 shall include the following information:~~

~~(1) Applicant or Laboratory Information: The person(s), firm, or corporation name; physical and mailing address(es); and telephone and fax number.~~

~~2) Off-Site Location Information: The name of the owner; physical street address; telephone number; the testing to be performed and/or equipment to be used at the off-site location; the signature of the Certified FSD Laboratory's authorized representative; and the county, state, and date of signature.~~

(c) The DOJ reserves the right to prohibit a laboratory from conducting FSD tests at an off-site location if the results of any such testing could not be rendered fairly, impartially, and independent of any manufacturer, importer or other entity which has any direct and/or indirect economic interest in the results of the testing.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4099. Inspections.

(a) At any time during regular business hours and/or when testing is being conducted, the DOJ-Certified FSD Laboratory shall allow reasonable access by any authorized DOJ employee(s), upon presentation of proper identification. The DOJ employee(s) shall be permitted to inspect facilities and records relating to FSD testing and to observe any FSD tests being performed to ensure compliance with any applicable federal, state, and/or local law(s) and these regulations.

(b) Within six months of the date of ~~FSD~~ Laboratory Certification, the DOJ will conduct a follow-up on-site compliance inspection of the laboratory to observe actual FSD testing and inspect equipment and facilities.

(c) The DOJ-Certified FSD Laboratory will be notified in writing of the results of any inspection conducted pursuant to this section within 15 days from the date of the completion of the inspection. The notification will include a list of any and all violations of any statute and/or these regulations and the action required to correct each violation.

(d) The corrective action shall be completed within 15 days of the date of notification. An acknowledgment prepared by the DOJ to be signed by the owner, chief executive officer, or person with primary responsibility for the operation of the laboratory that they have been made aware of the violation(s), that the necessary corrective action(s) have been performed, and that all necessary action(s) will be taken to ensure that future violations do not occur. The acknowledgment shall be signed and returned to the DOJ within 15 days from the date of service of the notification unless the DOJ has determined that the violation requires immediate attention. If immediate attention is required, the laboratory shall take the corrective action(s) within the time specified in the DOJ notice.

~~(e) The Certified FSD Laboratory shall submit to the DOJ a monthly schedule of the days on which it is planning to perform FSD testing. The schedule for each month shall be submitted to the DOJ five days before the beginning of the month being reported. The DOJ may contact the laboratory telephonically for information regarding any additions/deletions to the schedule. The DOJ may accept schedules submitted by electronic transmission.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4100. Gun Safes; Standards; Proof of Ownership, and Lock Boxes.

(a) An acceptable gun safe is either one the following:

~~(a)~~ (1) A gun safe that meets all of the following standards:

~~(1)~~ (A) Shall be able to fully contain firearms and provide for their secure storage.

~~(2)~~ (B) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case-hardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength.

(3) (C) Boltwork shall consist of a minimum of three steel locking bolts of at least 1/2-inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.

(4) (D) A gun safe shall be capable of repeated use. The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least 0.100 inches for safes with two walls. Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.

(8) (E) Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

(b) (2) A gun safe that is able to fully contain firearms and provide for their secure storage, that is in use by a DOJ-Certified Laboratory prior to July 1, 2018 and is shall be certified to/listed as meeting Underwriters Laboratories Residential Security Container rating standards by a Nationally Recognized Testing Laboratory (NRTL). All safes to be purchased by a current DOJ-Certified Laboratory or by a new DOJ-Certified Laboratory that is certified after July 1, 2018 shall be certified to/listed as meeting Underwriters Laboratories Standards for Antitheft Alarms and Devices under 1037 Sixth Edition standards by a NRTL dated September 15, 2017, sections 7 Enclosures, section 48 Drop Test, section 53 Attack Test, and section 54 Residential Security Container. Copies can be obtained by contacting COMM-2000, 151 Eastern Avenue, Bensenville, Illinois 60106, telephone number 1 (888) 853-3503, or on the Internet: www.shopulstandards.com, and are available for inspection at the Department of Justice, Bureau of Firearms, or the California State Archives at the Secretary of State, 1020 "O" Street, Sacramento, California 95814.

(b) The firearms purchaser or transferee may establish proof of ownership of an acceptable gun safe by providing the firearms dealer with both of the following:

(1) A receipt for purchase of the gun safe or an affidavit stating ownership and possession of the gun safe.

(2) An affidavit stating that the gun safe meets the standards set forth by section 4100 of these regulations. The affidavit shall state the make and model of the gun safe and shall state that the gun safe is capable of accommodating the firearm being purchased. The affidavit shall contain the statement "I declare under penalty of perjury that all statements made in this affidavit are true and complete." This statement shall be signed and dated by the firearms purchaser or transferee. For any gun safe that does not display a model but otherwise meets the acceptable gun safe standard, the term "unknown" will be considered an acceptable entry in the model field of the affidavit stating ownership of an acceptable gun safe. The make or manufacturer's name shall be stated on the affidavit.

(c) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the Dealer's Record of Sale (DROS) for the firearm.

(d) The firearm purchaser or transferee may establish proof of ownership of an acceptable lock box that is listed on the Roster of Firearm Safety Devices Certified for Sale by providing the firearms dealer with both of the following:

(1) A receipt for purchase of the lock box.

(2) An affidavit stating that the lock box is listed on the Roster of Firearm Safety Devices Certified for Sale and will accommodate the firearm(s) that is being taken into possession. The affidavit shall state the make and model of the lock box and that the lock box is capable of accommodating the firearm(s) being purchased. The affidavit shall contain the statement "I declare under penalty of perjury that all statements made in this affidavit are true and complete." This statement shall be signed and dated by the firearm purchaser or transferee.

(e) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the DROS for the firearm.

Note: Authority cited: Sections 23635, 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

~~§ 4101. Gun Safe—Proof of Ownership of an Acceptable Gun Safe.~~

~~(a) The firearms purchaser or transferee may establish proof of ownership of an acceptable gun safe by providing the firearms dealer with both of the following:~~

~~(1) A receipt for purchase of the gun safe or an affidavit stating ownership and possession of the gun safe.~~

~~(2) An affidavit stating that the gun safe meets the standards set forth by section 4100 of these regulations. The affidavit must state the make and model of the gun safe and must state that the gun safe is capable of accommodating the firearm being purchased. The affidavit must contain the statement "I declare under penalty of perjury that all statements made in this affidavit are true and complete." This statement shall be signed and dated by the firearms purchaser or transferee. For any gun safe which does not display a make and/or model but otherwise meets the acceptable gun safe standard, the term "unknown" will be considered an acceptable entry in the make and/or model fields of the affidavit stating ownership of an acceptable gun safe.~~

~~(b) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the Dealer's Record of Sale (DROS) for the firearm.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

~~§ 4102. Lock Box—Proof of Ownership of an Acceptable "Lock Box" Type Firearm Safety Device.~~

~~(a) The firearms purchaser or transferee may establish proof of ownership of an acceptable lock box that is listed on the Roster of Approved Firearm Safety Devices by providing the firearms dealer with both of the following:~~

~~(1) A receipt for purchase of the lock box.~~

~~(2) An affidavit stating that the lock box is listed on the Roster of Approved Firearm Safety Devices and will accommodate the firearm(s) that is being taken into possession. The affidavit must state the make and model of the lock box and that the lock box is capable of accommodating the firearm(s) being purchased. The affidavit must contain the statement "I declare under penalty of perjury that all statements made in this affidavit are true and complete." This statement shall be signed and dated by the firearms purchaser or transferee.~~

~~(b) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the DROS for the firearm.~~

~~Note: Authority cited: Sections 23635, 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.~~

~~Article 6. Firearm Safety Device Laboratory DOJ-Certification Renewal;
Firearm Safety Device Laboratory DOJ-Certification After Expiration~~

~~§ 4105. Firearm Safety Device Laboratory DOJ-Certification Renewal Procedures.~~

~~An FSD Laboratory DOJ-Certification must be renewed prior to expiration in order to remain valid. The procedure for FSD DOJ-Certified Laboratory Certification renewal is as follows:~~

~~(a) The DOJ will mail an application to the laboratory 60 days prior to the expiration date of the FSD Laboratory Certification.~~

~~(b) The DOJ-Certified FSD Laboratory wishing to renew its FSD Laboratory Certification shall submit to the DOJ an Application for Laboratory Certification (Firearm Safety Device Testing), Firearm Safety Device Laboratory Certification, Form BOF 019A (Rev. 01/2012 07/2018), hereby incorporated by reference.~~

~~(c) When all applicable requirements are met and the application has been processed, the DOJ will renew the laboratory's FSD Laboratory Certification.~~

~~(d) If a laboratory fails to comply with these renewal requirements, the FSD Laboratory Certification shall expire by operation of law at midnight on the expiration date stated on the FSD Laboratory Certification.~~

~~Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.~~

~~§ 4106. Firearm Safety Device Laboratory DOJ-Certification After Expiration.~~

When an FSD Laboratory Certification has expired and not been renewed prior to the stated expiration date, the person, firm, or corporation wishing to renew certification shall make a new application to the DOJ on an Application for ~~Firearms Safety Device~~ Laboratory Certification (Firearm Safety Device Testing), Form BOF 019A (Rev. ~~01/2012~~ 07/2018).

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

Article 7. Service of Notices, Orders, and Communications

§ 4107. Service of Notices, Orders, and Communications.

(a) Except as otherwise provided by law or in these regulations, notices, orders, and other communications may be sent by United States mail, electronic transmission, and/or common carrier to an applicant or DOJ-Certified FSD Laboratory at the address shown on the Application for Laboratory Certification (Firearm Safety Device Testing), ~~Firearm Safety Device Laboratory Certification~~, Form BOF 019A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference.

(b) Notices and orders shall be deemed to have been served upon their deposit, first-class postage prepaid, in the United States mail, and the time specified in any such notice shall commence to run from the date of such mailing.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code

Article 8. Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale, Appeal Process

§ 4108. Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale.

(a) Within ~~ten (10)~~ 30 days of the receipt of the ~~Firearm Safety Device~~ Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, and one FSD, from the DOJ-Certified FSD Laboratory; the DOJ will determine whether the FSD may be placed on California's Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale. After the determination by the DOJ that the FSD may be listed, the DOJ will add the FSD to the ~~roster~~ Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale.

(b) Within ~~ten (10)~~ 30 days of the receipt of the request from an FSD manufacturer or dealer to add an FSD to the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale, the DOJ will determine whether the FSD may be listed without testing. If the DOJ finds that the FSD may be listed, the DOJ will add the FSD to the ~~roster~~ Roster.

(c) An FSD may be excluded from the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale for any of the following reasons:

- (1) If it is determined that the FSDs submitted for testing were modified in any way from those that were sold after certification was granted.
- (2) If it is determined that the FSD does not meet established standards based upon further testing.

(3) If the FSD manufacturer or dealer requests that the FSD be removed from the ~~roster~~
Roster.

(d) An FSD manufacturer or party of interest may submit a written request to list an FSD that was voluntarily discontinued. The written request must state that no modifications have been made to the model and be submitted to the DOJ.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.