

Class III Weapons On The Move

Written by Jason M. Wong

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Easy to follow step-by-step guide on how to fly, drive or ship your NFA guns safely and legally!

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Going to the range to shoot is an easy task, right? Toss the guns into cases, put the cases into the truck, and drive to the range. Not too difficult. Title 1 firearms can be freely moved within a state and between states with few legal restrictions but the transportation of National Firearms Act (NFA) firearms presents additional challenges and legal requirements.

Transporting NFA firearms can be classified into four categories: movement of NFA firearms within the state of residence or interstate on either a temporary or permanent basis. First and foremost, owners of NFA firearms should always ensure that a copy of the registration paperwork is with the firearm at all times.

The original Form 4 registration should be kept in a safe place since the form is the owner's proof of registration. The original or copy should be made available to Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) or law enforcement officers upon request. Having a copy of the form may prevent unnecessary legal expenses for defending against otherwise legal conduct while traveling away from home.

Category One/Two

In-state transportation of an NFA firearm is the least problematic situation. Temporary trips, regardless of their length of time, do not require prior approval from ATF. Similarly, owners of NFA firearms are not required to notify the ATF of a change of address for in-state moves.

Category Three

Interstate moves require a little more effort, but are still relatively easy. Individuals wishing to

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move NFA firearms between states on a temporary basis must abide by two rules. First, prior permission from the ATF must be obtained to move machine guns, short-barreled rifles, short-barreled shotguns or destructive devices between states. Permission is requested from ATF with a Form 5320.20, and is generally approved in a timely manner. Disapproval generally occurs only when the destination state prohibits NFA firearms.

Approval from the ATF may be for a specific location and period of time, or may be broadly construed to include a number of states, as long as NFA firearms are permitted in each of the listed destination states. Approval for interstate transportation of NFA firearms will generally be granted for a maximum of one year.

Individuals are not required to file a Form 5320.20 with ATF prior to transporting AOWs (any other weapon) or suppressors interstate on a temporary basis. Nevertheless, individuals are advised to be aware of the laws within the destination state. For the cautious, a Form 5320.20 may be submitted for suppressors and AOWs, even though prior ATF approval is not required for these types of NFA firearms.

Category Four

A permanent change of residence to a new state requires notice to the ATF. Again, a Form 5320.20 is used to document the permanent interstate move with notice provided to the ATF for all types of NFA firearms, including AOWs and suppressors. Similar to a temporary move, ATF will generally approve the permanent change of address if the destination state allows NFA firearms.

In some cases, certain NFA types of firearms may be permitted, while other types are not. For example, Washington State allows the possession of AOWs, suppressors, and destructive devices, but prohibits the possession of machine guns, short-barreled rifles, and short-barreled shotguns. A request to transport any of the three prohibited types of firearms to Washington State on a temporary or permanent basis would be denied by the ATF. When in doubt, seek advice from the ATF directly or competent legal counsel familiar with NFA firearm regulations.

Since individuals are not always able to drive to their final destinations, NFA firearms may need to be shipped through a common carrier or as luggage on a domestic airline. In these instances, the NFA firearm owner has several additional responsibilities. In the post-September 11th world, the Transportation Security Administration (TSA) has been charged with physically examining all cargo carried on aircraft originating from the US.

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If an NFA firearm is shipped as aircraft luggage, be aware that the regulations for shipping a firearm are consistent, regardless of the type of firearm being shipped. All firearm owners traveling by air are required to ship firearms within a locked, hard-sided case. The case could be as small as a pistol case, or could be hard-sided luggage, as long as the case can be secured with a lock.

NFA firearm owners traveling by air should be prepared for a physical inspection of the firearm by TSA officials, and in rare instances, additional security screening. In several instances, passengers have been detained or delayed while TSA officials verify that the NFA firearm is legal. Having multiple copies of all the ATF documents may prevent a potentially volatile situation and may assist in getting the situation resolved in a timely manner. If traveling with NFA firearms as checked aircraft luggage, plan to arrive at the airport early, be patient, and follow all directions from TSA and other LE officers.

If traveling by air is not practical, it is permissible to ship firearms to yourself or to a licensed firearms dealer through a common carrier. This is particularly convenient when trying to avoid luggage fees and the potential for lost luggage by the airlines. In other instances, an NFA firearm may need to be shipped to a licensed dealer for repair or sale.

Owners of NFA firearms should be aware that many common carriers, UPS and Fed-Ex included, have specific requirements for the shipment of machine guns and other NFA firearms. Often, common carriers will require that firearms be shipped via overnight delivery, resulting in additional cost. If the correct shipping procedure is not followed, private carriers have been known to deny insurance claims for loss, theft, or damage. It pays to know the limitations and restrictions prior to shipping firearms via a common carrier.

The US Postal Service allows rifles to be mailed, but "pistols, revolvers, or other firearms capable of being concealed" cannot be mailed by anyone but licensed federal firearms licensees. Presumably, short-barreled shotguns and short-barreled rifles could be mailed if the firearm is not capable of being "concealed." Although time consuming, shipping a firearm through USPS Registered and Insured mail is probably one of the most secure methods of shipping a firearm. Due to the internal procedures used by the postal service, it is highly unlikely that a piece of registered mail will be lost. If registered mail is lost or misplaced, the postal service will generally pay the insured amount without complaint.

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Final Notes

Although there are added restrictions and requirements for the transportation of NFA firearms, the requirements can typically be met with a little prior planning. This synopsis of the legal requirements needed to transport NFA firearms is not intended to address all potential legal issues that may arise during intra- or interstate movement of NFA firearms. Again, when in doubt, seek advice from ATF directly or competent legal counsel familiar with NFA firearm regulations.