Title 11, Division 5, Chapter 6 Department of Justice Regulations for Certified Firearms Safety Device Laboratories, Firearms Safety Device Standards and Testing, and Standards for Gun Safes

ARTICLE 1. GENERAL: TITLE; SCOPE; EXTENSIONS FOR COMPLIANCE

4080. Title and Scope.

(a) This chapter shall be known as "Department of Justice Regulations For Certified Firearms Safety Device Laboratories, Firearms Safety Device Standards and Testing, and Standards For Gun Safes," may be cited as such, and is herein referred to as "these regulations."

(b) The provisions of these regulations implement, interpret, and make specific the laboratory certification and firearms safety device testing programs mandated by California Penal Code sections 12087 through 12088.9, which became effective January 1, 2000. These regulations also establish procedures to create and maintain both a roster of FSD laboratories and a roster of certified firearms safety devices. These regulations additionally establish standards for gun safes and Firearms Safety Device (FSD) standards and testing requirements. These regulations also apply to any person, firm, and/or corporation that wishes to become certified as a Certified FSD Laboratory.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4081. Extensions for Compliance.

If a Certified Firearms Safety Device Laboratory provides the Department of Justice (DOJ) with written proof that through no fault of its own it is not able to meet a deadline provided for in these regulations, the DOJ may grant a temporary extension of time to meet that deadline. Any such extension shall be in writing and shall designate a specific time period for the extension.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

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) "Certified Firearms Safety Device Laboratory" or "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 subdivision (a)(4) of Penal Code section 12071 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 (8-10 inches in length, flathead or Phillips, flathead sizes up to 5/8 inches), pipe wrenches (9 1/2 - 10 inches in length), vice grip pliers (9 1/2-10 inches in length), other pliers (9 1/2 - 10 inches arch joint, 6-6 1/2-inch slip joint, 6-6 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).

(e) "Completed Application" means: a completed Application for Firearms Safety Device Laboratory Certification, (DOJ Form FD 031), 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) "Corporation" means any entity organized under California Corporations Code section 102(a) or similar statute if not a California corporation.

(g) "Day" means a calendar day unless otherwise specified in these regulations.

(h) "Disabled" means defeating the Firearms Safety Device thereby rendering the firearm capable of firing (expelling a projectile by the force of an explosion or other form of combustion.)

(i) "DOJ" means the California Department of Justice.

(j) "DOJ-Approved Safety Device" means a firearms safety device that has been tested by a certified FSD laboratory, has been determined to meet the standards for firearms safety devices, and may be sold in California pursuant to Penal Code section 12088.2.

(k) "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) "Firearms safety device" 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 a firearms safety device has met the requirements of Penal Code section 12088.2

and these regulations.

(n) "Firearms safety device manufacturer or dealer" means either: a manufacturer of firearms safety devices or a dealer of firearms safety devices.

(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) "Model" means the manufacturer's designation which uniquely identifies a specific design of firearms safety device.

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

(v) "Properly installed" means the firearms safety device is installed according to the instructions provided by the firearms safety device manufacturer or dealer.

(w) "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) "Roster of Approved Firearms Safety Devices" means a DOJ list of all DOJ-Approved Safety Devices. The roster shall list, for each DOJ-Approved Firearms Safety Device, the manufacturer, model number, model name, and other information deemed necessary by the DOJ to facilitate identifying that firearms safety device.

(y) "Lock Box" means a firearms safety device that fully contains and encloses the firearm(s).

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

ARTICLE 3. CERTIFIED FSD LABORATORIES

4083. Who Must be a Certified FSD Laboratory.

(a) Any laboratory wishing to participate in the testing program described in these regulations must first become a Certified FSD Laboratory.

(b) Any proposed change in the ownership of five percent or more of a Certified FSD laboratory from that reported on the initial application shall require the submission of an Application for Firearms Safety Device Laboratory Certification (DOJ Form FD 031), by the proposed ownership entity or owners.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4084. Application for Firearms Safety Device Laboratory Certification.

The DOJ shall accept completed applications from laboratories seeking FSD Laboratory Certification. Application for certification shall be made on an Application for Firearms Safety Device Laboratory Certification (DOJ Form FD 031), 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 firearms safety device tests, the person(s) supervising firearms safety device tests (if different from the manager or director), and persons participating and/or performing firearms safety device 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 (DOJ Form FD 032).

(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 firearms safety device tests and to comply with all applicable federal, state, and/or local laws and/or regulations that relate to laboratory certification or firearms safety device testing.

(h) A signed certification stating that the laboratory and/or owner is free from any conflicts of interest as defined by s **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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, 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.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4086. Grounds for Denial.

(a) An initial application for firearms safety device laboratory certification shall be denied if the applicant laboratory:

(1) Makes false statements on the application.

(2) Fails to meet the security requirements identified in subsection (a) of section 977.41 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 firearms safety device manufacturer/importer, wholesaler, distributor, or dealer. As used in this subsection, financial support does not apply to situations wherein an applicant laboratory provides testing services to a firearms and/or firearms safety device 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 subsection.

(5) Fails to obtain the required COE(s).

(6) Fails to comply with any required local, state, and/or federal laws and/or licensing requirements relating to firearms safety device testing.

(7) 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 firearms and/or firearms safety device manufacturer/importer, wholesaler, distributor, or dealer. This would also apply to any employee(s) directly involved in firearms safety device testing, owner(s), shareholders(s), partners(s), officer(s), and/or director(s) of the applicant laboratory who has any such involvement or relationship.

(8) Is currently or plans to be a firearms and/or firearms safety device manufacturer/importer,

wholesaler, distributor, or dealer. This would also apply to any employee(s) directly involved in firearms safety device testing, owner(s), shareholders(s), partner(s), officer(s), and/or director(s) of the applicant laboratory.

(9) 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 firearms safety device manufacturer/importer, wholesaler, distributor, or dealer. This would also apply to any employee(s) directly involved in firearms safety device testing, owner(s), shareholders(s), partner(s), officer(s), and/or director(s) of the applicant laboratory.

(b) If the DOJ denies certification, 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 Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2 of the Government Code. 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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4087. Certification Period for Certified FSD Laboratories.

The period of certification shall be two years from the date of issuance.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4088. Processing Times.

(a) The following processing times shall apply to initial applications:

(1) Within 15 days from the date of receipt of an application, the DOJ will either inform the applicant in writing that the application is complete and accepted for processing, or return the application as deficient, and specify what information is required.

(2) Within 20 days from the date of receipt of a completed and accepted application, the DOJ will schedule an on-site inspection unless the time is waived by the applicant.

(3) Within 30 days from the date of receipt of a completed and accepted application the DOJ will

conclude the processing of the application unless the time is waived by the applicant. This includes: completing the pre-certification on-site inspection and making a determination regarding the approval or denial of the application.

(b) The DOJ's minimum, median, and maximum times for processing an initial application from the date of receipt of the completed application to a final decision are:

(1) Minimum time: 15 days.
(2) Median time: 20 days.
(3) Maximum time: 30 days.

(c) The following processing times will apply to application renewal:

(1) Within 15 days from the date of receipt of an application for renewal, the DOJ will either inform the applicant in writing that the application is complete and accepted for processing, or return the application as deficient, and specify what information is required.

(2) Within 20 days from the date of receipt of a completed and accepted application for renewal, the DOJ will schedule an on-site inspection unless the time is waived by the applicant.

(3) Within 30 days from the date of receipt of a completed application for renewal, the DOJ will conclude the processing of the application unless the time is waived by the applicant. This includes making a determination regarding the renewal of the application.

(d) The DOJ's minimum, median, and maximum times for processing a completed application for renewal of certification from the date of receipt to a final decision are:

(1) Minimum time: 15 days.
(2) Median time: 20 days.
(3) Maximum time: 30 days.

Note: Authority cited: Section 15376, Government Code; and Sections 12088 and 12088.2, Penal Code. Reference: Section 15376, Government Code; and Sections 12088 and 12088.2, Penal Code.

4089. Appeal Process.

(a) If the DOJ fails to meet the time periods for concluding the processing of an application, the applicant may apply in writing for a full refund of all applicable application fees. The request must

be received by the DOJ within 20 days from the date of service of the final decision granting or denying the application.

(b) The DOJ shall respond within ten days from the date of receipt of a request for refund.

(c) If the refund is denied by the DOJ, the applicant may directly appeal the denial in writing to the Attorney General. The appeal must be filed within 20 days from the date of service of the refund denial. The appeal shall set forth a concise statement of facts and a chronology of events regarding the application.

(d) The appeal in subsection (c) of this section will promptly be reviewed, and a decision will be issued within 30 days from the completion of any investigation which the Attorney General deems appropriate. The appeal in subsection (c) of this section will be decided in the applicant's favor if the DOJ has exceeded its maximum time period for the issuance or denial of the FSD Laboratory Certification, and the DOJ has failed to establish good cause for exceeding this time period.

(e) The DOJ will provide information regarding this appeal process on the Application for Firearms Safety Device Laboratory Certification (DOJ Form FD 031).

Note: Authority cited: Section 15378, Government Code; and Sections 12088 and 12088.2, Penal Code. Reference: Section 15378, Government Code; and Sections 12088 and 12088.2, Penal Code.

ARTICLE 4. OPERATIONAL REQUIREMENTS, FIREARMS SAFETY DEVICE STANDARDS, GUNSAFE STANDARDS, PROOF OF PURCHASE OR OWNERSHIP OF A GUN SAFE, AFFIXATION OF REQUIRED WARNING

4090. Absence of Conflict of Interest.

The 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 firearms safety device manufacturer/importer, wholesaler, distributor, or dealer. As used in this subsection, financial support does not apply to situations wherein an applicant laboratory provides testing services to a firearms and/or firearms safety device manufacturer/importer, wholesaler, distributor, or dealer.

(b) None of the employee(s) directly involved in firearms safety device testing, or the owner(s), shareholders(s), partner(s), officer(s), and/or director(s) of the Certified FSD Laboratory will:

(1) Have any contractual, organizational, employment or other financial involvement and/or relationship (spouse(s), children, sibling(s), parent(s), or in-law(s)) with any firearms and/or firearms safety device manufacturer/importer, wholesaler, distributor, or dealer.

(2) Be a firearms and/or firearms safety device 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 firearms safety device manufacturer/importer, wholesaler, distributor, or dealer.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4091. Security and Safety.

(a) The Certified FSD Laboratory shall have written security procedures if firearms are to be stored and/or transported by the laboratory. The laboratory staff shall be informed of these written procedures, and these procedures shall be made available to the DOJ upon request. The procedures shall address, and the laboratory shall comply with, all of the following security and safety procedures:

(1) The firearm(s) shall be stored unloaded by one of the following methods:

(A) Locked in a secure room that is a part of, or that constitutes, the licensee's business premises away from any general living or work area. All doors leading into the room shall be solid core with a dead-bolt lock or the equivalent.

(B) In a locked safe that meets the standards for gun safes as defined in s 4100 of these regulations or a vault in the licensee's business premises.

(2) If the firearm(s) are 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 firearms in a secure room, cabinet or box which shall be locked while unattended.

(4) When transporting a firearm for delivery to an authorized recipient or off-site testing location, the firearm shall be transported as required by California Penal Code section 12026.1, or as required by any applicable federal, state, and/or local statute and/or ordinance when outside of California.

(5) Any firearm not actively being used in the testing of a firearms safety device shall be stored pursuant to subsection (a)(1) of this section. Any firearm to be shipped from the laboratory shall be stored pursuant to subsection (a)(1) of this section until arrival of the person authorized to receive the firearm or until laboratory personnel are prepared to transport the firearm for delivery to an authorized recipient.

(6) The Certified FSD Laboratory shall maintain proper inventory control and shall report any

firearm that is lost or stolen to the submitting party, if applicable, the local law enforcement agency, and the DOJ within ten working days of discovery of the loss or theft. The report shall include, but shall not be limited to, the make, model, serial number, and caliber of the firearm. The laboratory shall maintain the following records relating to any such firearms: the type, make, model, caliber, barrel length, category, and serial number of the lost/stolen firearm; the date of the loss/theft; the date the loss/theft was reported to the submitting party (if applicable), local law enforcement, and the DOJ; and any case/report number(s) assigned by the local law enforcement agency to the loss/theft. The laboratory shall maintain these records for at least ten years.

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

(1) All persons conducting, supervising and/or observing firearms safety device 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. Staff shall also ensure that no ammunition shall be present in the firearms safety device testing area during testing.

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

"NO AMMUNITION SHALL BE PRESENT IN OR AROUND THIS TESTING AREA DURING FIREARMS SAFETY DEVICE TESTING, OR IN THE POSSESSION OF ANY PERSONNEL ACTIVELY ENGAGED IN CONDUCTING FIREARMS SAFETY DEVICE TESTS."

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4092. Licensing/Minimum Standards Compliance.

The Certified FSD Laboratory shall at all times:

(a) Comply with all applicable local, state, and federal laws relating to firearms safety device testing.

(b) Ensure that any required licensing and/or approvals by any federal, state, and/or local agency having jurisdiction over the laboratory have been obtained and are maintained, including the required COE(s).

(c) Ensure that staff are informed of all applicable federal, state, and/or local laws, which apply to the jurisdiction in which the laboratory does business, that prohibit a person from possessing firearms, and ensure that persons known to be prohibited from possessing firearms do not have access to, come into contact with, or possess firearms.

(d) Have in its possession the equipment identified in subsection (b) of s **4095**. The laboratory shall maintain and/or calibrate the equipment in accordance with the equipment manufacturer's recommendations and requirements. The laboratory shall ensure that records of such maintenance and calibration are available for use by testing personnel and for inspection by DOJ staff.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4093. Firearms Safety Devices Testing and Submission Requirements.

(a) Each firearms safety device 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-certified firearms safety device is modified in any way from those that are being sold after certification has been granted, the DOJ will immediately remove that model of firearms safety device from the Roster of Approved Firearms Safety Devices and may recall the firearms safety device pursuant to Penal Code section 12088.4.

(b) Four firearms safety devices of each model to be tested shall be submitted to the Certified FSD Laboratory. Three of the devices are to be utilized by the laboratory for testing pursuant to subsection (c) of s 4095 of these regulations, and the other device is to be utilized for testing pursuant to subsections (d) and (e) of s 4095 of these regulations and forwarded by the laboratory to the DOJ pursuant to subsection (a) of s 4096 of these regulations. Firearms safety device manufacturers or dealers may supply any information that they believe may be needed by the laboratory for proper and safe operation of the firearms safety device. The following information shall be provided in the English language with each firearms safety device model submitted for testing:

(1) The model name and model number of the firearms safety device.

(2) A description of the firearms safety device.

(3) A description of how the firearms safety device is intended to function and how the user should install and operate (activate/deactivate) the firearms safety device.

(4) The type, make, or model of firearm(s) for which the firearms safety device is designed.

(c) The DOJ may approve an untested firearms safety device and list that firearms safety device on the Roster of Approved Firearms Safety Devices subject to all of the following:

(1) The DOJ shall review each firearm safety device submitted pursuant to this subsection on a case-

by-case basis to determine whether or not a new test will be required.

(2) A model of firearms safety device made by the same manufacturer must already be listed on the Firearms Safety Device Roster and the device submitted for approval pursuant to this subsection shall differ from the listed firearms safety device in only the following:

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

(B) Any feature that does not in any way alter the material or functioning of any of the components of the firearms safety device. Dimensional changes in a firearms safety device 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.

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

(3) Any manufacturer seeking to have a firearms safety device approved under this subsection shall provide the DOJ with all of the following:

(A) The model name and model number of the listed firearms safety device.

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

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

(D) The DOJ may, at its discretion and at any time, require a manufacturer to provide to the DOJ an example of any firearms safety device 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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4094. Firearms Safety Device Standards.

(a) The firearms safety device 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 firearms safety device(s).

(b) The firearms safety device shall render the firearm inoperable (unable to be fired) while the firearms safety device is properly installed. The firearm shall be rendered inoperable immediately upon installation and activation of the firearms safety device. Lock box style firearms safety devices (devices that fully contain and enclose the firearm) must prevent removal of, and access to, the enclosed firearm.

(c) A firearms safety device 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 firearms safety device shall be capable of repeated use and shall pass the testing procedures described in these regulations.

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

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4095. Testing Procedures.

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

(a) The only persons allowed to conduct firearms safety device testing are authorized staff of the Certified FSD Laboratory. In addition to this staff, representatives of the firearms safety device 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 firearms safety device manufacturer or dealer may be asked to provide advice and/or guidance regarding the characteristics, handling, and/or operation of the firearms safety device.

(b) Each laboratory testing a firearms safety device pursuant to these regulations must comply with

the following test criteria relative to each firearms safety device 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 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 firearms safety device being tested on the mounting device when being subjected to required shock loads.

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

(7) Firearms safety devices 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 firearms safety device. Testing a firearms safety device while it is not installed on a firearm is allowed only when the measurable forces are applied to areas of the firearms safety device that would be exposed when the firearms safety device is properly installed. Firearms safety devices shall be tested on a complete firearm whenever possible.

(8) The firearms safety device 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 exposedtrigger guard or removing the hammer spur of the firearm (if so equipped).

(9) Notwithstanding the firearms safety device 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 firearms safety device 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 firearms safety device 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 subsections (c)(1) through (c)(5) of this section shall be performed on a single firearms safety device. The test designated in subsection (c)(6) of this section shall be performed on a separate single firearms safety device. The test designated in subsections (c)(7) through (c)(8) of this section shall be performed on a separate single firearms safety device. The test designated in subsection (d) or (e) of this section shall be performed on a separate single firearms safety device.

(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, 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 firearms safety device 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 firearms safety device)(does not apply if test cannot be performed on the device). Cylinders in the firearms safety device 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 firearms safety device to determine if the

firearms safety device 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, a firearms safety device that fully encloses the trigger guard of the firearm may pass this inspection, while a firearms safety device that would allow a portion of the trigger guard to be sawed off to allow for removal of the firearms safety device may fail this inspection. Failure occurs if inspection of the firearm and firearms safety device indicates that the firearms safety device may be disabled or removed through the partial destruction of the firearm as described in this subsection. 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 Saw 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 firearms safety device utilizing a pulling action. Support the firearm and firearms safety device in a fixture designed to enable application of forces in tension along a central axis of the mating locking components of the firearms safety device. Apply 1,000 newtons (225 pounds force) of forces slowly along the central axis of the firearms safety device locking components without interfering or giving support to either of the mating locking components of the firearms safety device. For firearms safety devices that have clamping components, specific fixtures may be required to allow application of the required force to the individual components. Failure occurs if the firearms safety device is disabled or if the firearm is capable of firing during the test. For instance, if the firearms safety device 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 firearms safety device and locking mechanism ability to withstand shock. Using the shock impact fixture, 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 firearms safety device 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 firearms safety device body using a chucked steel rod tool. Failure occurs if the firearms safety device is disabled by the shock test. Failure also occurs if following the shock test, subsequent manipulation of the firearms safety device with an 8 to 10-inch (20.3-25.4 cm) 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 firearms safety device'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 firearms safety device (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 firearms safety device (if so equipped) shall withstand cutting through with nine-and-one-half (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 (+/- 0.25 inches) inches from the center of the pliers' the plier's 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 firearms safety device is to be supported on both sides of the point of the shear cut with allowance for blade clearance. Failure occurs if the firearms safety device is disabled.

(6) Plug pulling test (utilize a new firearms safety device)(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 19 millimeters 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 firearms safety device can be opened by fifteen seconds of manipulation with an 8 to 10-inch (20.3 to 25.4 centimeter) long screwdriver 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 firearms safety device 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 firearms safety device 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 firearms safety device)(does not apply if test cannot be performed on the device). This test is designed to test the ability of a firearms safety device's keyway, if so equipped, to withstand torque pressures. Install the firearms safety device 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 firearms safety device 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 firearms safety device may be held with an appropriate fixture to hold the device steady while sawing. The sawing test is designed to

determine the firearms safety device'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 a firearms safety device 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 firearms safety device for fifteen seconds by hand in an attempt to disable the firearms safety device. Failure occurs if the firearms safety device is disabled.

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

(1) (Utilize a new firearms safety device). The firearms safety device shall be activated in accordance with the manufacturer's instructions as specified in paragraphs (6), (9), and (10) of subsection (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 firearms safety device is disabled following any of the orientation drop tests.

(e) In addition to the tests specified in subsection (c) of this section, the Certified FSD Laboratory shall perform the following tests on a model of each firearms safety device 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 firearms safety device 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 firearms safety device. Test shall be conducted with a firearm containing a primed case with the firing chamber closed inside the firearms safety device. This test does not need to be performed with an approved drop fixture and may be performed by hand.) The firearms safety device 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 firearms safety device to the top surface of the slab. The firearms safety device 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 firearms safety device is disabled or the firearm contained within the enclosed container discharges.

(f) Failure of any test occurs if the firearms safety device 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 firearms safety device in any of the tests constitutes a failure of the complete test.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4096. Test Reporting.

(a) If a firearms safety device meets the required standards and has passed the required testing, the Certified FSD Laboratory shall submit to the DOJ a completed Firearms Safety Device Compliance Test Report (DOJ Form FD 033) and the firearms safety device utilized for the drop-testing under

subsections (d) or (e) of section ~~977.45~~ 4095 of these regulations in accordance with Penal Code section 12088(c). The Firearms Safety Device Compliance Test Report shall require all of the information identified in subsection (a) of section ~~977.47~~ 4097 of these regulations, and shall be signed by the person authorized to sign on behalf of the laboratory.

(b) The 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) Firearms safety device manufacturers or dealers are prohibited from placing any statement on the firearms safety device itself, the labeling, and/or accompanying user information that in any way states, implies, and/or otherwise suggests that the firearms safety device has been approved for sale in California under Penal Code sections 12088 through 12088.9 unless the firearms safety device is on the Roster of Approved Firearms Safety Devices. At that time and only while the firearms safety device is listed on the Roster of Approved Firearms Safety Devices, the firearms safety device manufacturer or dealer may place the following statement in the required user information:

"This is a California-approved firearms safety device that meets the requirements of California Penal Code Section 12088 and the regulations issued thereunder."

(d) The manufacturer or dealer of a firearms safety device 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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4097. Required Records, Retention Periods, Reporting Changes.

(a) The Certified FSD Laboratory shall, for a minimum of five years from the date of the Firearms Safety Device Compliance Test Report (DOJ Form FD 033), maintain sufficient records to support the results of any and all such reports. The following information is required to be recorded, reported, and maintained:

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

(2) The name and address of the firearms safety device manufacturer or dealer that submitted the firearms safety device 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 firearms safety device, 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 safety device 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 firearms safety device tested.

(12) A statement that the firearms safety device meets each of the standards for firearms safety devices 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 Certified FSD Laboratories:

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

(2) A listing of all current employees who are directly involved in firearm safety device 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 Certified FSD Laboratory shall report within ten working days any changes:

(1) In the ownership, involvements, relationships, license prohibitions, and/or interests identified in ss **4086 and 4090** of these regulations and ensure that any such change would not constitute grounds for denial of an Application for Firearms Safety Device Laboratory Certification (DOJ Form FD 031).

(2) Involving management personnel, firearms safety device testing supervisor(s) and/or personnel, persons authorized to sign Firearms Safety Device Compliance Test Report (DOJ Form FD 033), person(s) who hold COE(s); and/or the firearms safety device testing equipment and/or facilities of the laboratory.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4098. Off-Site Location.

(a) A Certified FSD Laboratory may not utilize any firearms safety device 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 subsection (a) of this section, if more than one off-site location is needed for testing purposes, the applicant or Certified FSD Laboratory must submit a completed Request to Utilize an Additional Off-Site Location (DOJ Form FD 032) for each such location. The DOJ Form FD 032 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 firearms safety device 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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4099. Inspections.

(a) At any time during regular business hours and/or when testing is being conducted, the 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 firearms safety device testing and to observe any firearms safety device 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 firearms safety device testing and inspect equipment and facilities.

(c) The 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 firearms safety device 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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4100. Gun Safe Standards.

An acceptable gun safe is either one the following:

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

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

(2) 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) 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) 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.

(5) 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) A gun safe that is able to fully contain firearms and provide for their secure storage, and is certified to/listed as meeting Underwriters Laboratories Residential Security Container rating standards by a Nationally Recognized Testing Laboratory (NRTL).

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, 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 subsection (a) of this section for three years with the dealer's record of sale for the firearm.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4102. Lock Box - Proof of Ownership of an Acceptable "Lock Box" Type Firearms 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 Firearms 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 Firearms Safety Devices Certified for Sale 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 subsection (a) of this section for three years with the California Dealer's Record of Sale (DROS).

Note: Authority cited: Sections 12088, 12088.1 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4103. Required Warning Notice - Affixation to Firearms Sold Without Accompanying Packaging.

Any firearms dealer who sells or transfers a firearm that does not have accompanying packaging bearing the warning statement specified in Penal Code section 12088.3 shall, using a string, rubber band, or similar device, affix a warning label described in Penal Code section 12088.3 to that firearm.

Note: Authority cited: Section 12088.3, Penal Code. Reference: Section 12088.3, Penal Code.

ARTICLE 5. DOJ SUSPENSION OR REVOCATION OF FSD LABORATORY CERTIFICATION

4104. DOJ Suspension or Revocation of FSD Laboratory Certification.

(a) The DOJ may suspend or revoke a laboratory's FSD Laboratory Certification for any of the following:

(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 s 4086 of these regulations

(b) Any suspension or revocation action will be conducted in accordance with Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2 of the Government Code.

(c) Upon DOJ suspension or revocation of certification under this section, the laboratory may not test firearms safety devices for approval under these regulations.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

ARTICLE 6. FSD LABORATORY CERTIFICATION RENEWAL; FSD LABORATORY CERTIFICATION AFTER EXPIRATION

4105. FSD Laboratory Certification Renewal Procedures.

An FSD Laboratory Certification must be renewed prior to expiration in order to remain valid. The procedure for FSD 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 Certified FSD Laboratory wishing to renew its FSD Laboratory Certification shall submit to the DOJ an Application for Firearms Safety Device Laboratory Certification, Form FD 031.

(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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4106. FSD Laboratory 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, (DOJ Form FD 031).

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, 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 Certified FSD Laboratory at the address shown on the Application for Firearms Safety Device Laboratory Certification, (DOJ Form FD 031).

(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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

ARTICLE 8. ROSTER OF APPROVED FIREARMS SAFETY DEVICES, APPEAL PROCESS

4108. Roster of Approved Firearms Safety Devices.

(a) Within ten days of the receipt of the Firearms Safety Device Compliance Test Report (DOJ Form FD 033), and one firearms safety device, from the Certified FSD Laboratory; the DOJ will determine whether the firearms safety device may be placed on California's Roster of Approved Firearms Safety Devices. After the determination by the DOJ that the firearms safety device may be listed, the DOJ will add the firearms safety device to the Roster of Approved Firearms Safety Devices.

(b) Within ten days of the receipt of the request from a firearms safety device manufacturer or dealer to add a firearms safety device to the Roster of Approved Firearms Safety Devices, the DOJ will determine whether the firearms safety device may be listed without testing. If the DOJ finds that the firearms safety device may be listed, the DOJ will add the firearms safety device to the Roster.

(c) A firearms safety device may be excluded from the Roster of Approved Firearms Safety Devices for any of the following reasons:

(1) If it is determined that the firearms safety devices submitted for testing were modified in any way from those that were sold after certification was granted.

(2) If it is determined that the firearms safety device does not meet established standards based upon further testing.

(3) If the firearms safety device manufacturer or dealer requests that the firearms safety device be removed from the roster.

(d) A firearms safety device manufacturer or party of interest may submit a written request to list a firearms safety device 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 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.

4109. Appeal Process for DOJ Exclusion of a Firearms Safety Device Model from the Roster of Approved Firearms Safety Devices.

(a) Upon DOJ-initiated removal of a model of a firearms safety device from the Roster of Approved Firearms Safety Devices, or a refusal by the DOJ to list a model of a firearms safety device on the roster, the DOJ shall immediately notify the manufacturer, dealer, or other affected party of interest of the action.

(b) The manufacturer, dealer, or affected party of interest may, within 30 days following the date of removal, appeal the DOJ action by providing the DOJ with the following:

(1) Written request to appeal the removal.

(2) Evidence supporting any claim that the DOJ may have acted improperly in its exclusion of the firearms safety device from the roster or in its refusal to list the device on the roster.

(3) Evidence that the firearms safety device meets the standards described in these regulations.

(4) Any other information that the manufacturer, dealer, or other affected party of interest deems of importance.

(5) Any other information that the DOJ deems necessary to determine whether the firearms safety device meets the standards described in these regulations.

(c) Within 30 days after the deadline prescribed in subsection (b) of this section, the DOJ shall consider all relevant facts regarding the firearms safety device and make a determination regarding whether that firearms safety device qualifies to be listed on the Roster of Approved Firearms Safety Devices. If the DOJ makes a finding that the device qualifies for listing on the roster, the DOJ shall immediately add that device to the Roster of Approved Firearms Safety Devices.

Note: Authority cited: Sections 12088 and 12088.2, Penal Code. Reference: Sections 12088 and 12088.2, Penal Code.