**Section 1230.35 Possession and Validity of a FOID Card**

a) Possession

1) Possession of either a valid FOID Card, FCCL, or FOID Card with Designator shall satisfy the requirements of Section 2(a) of the Act regarding possession of a FOID Card.

2) A Designator will be added to the FOID Card to distinguish between persons with an active FOID Card only and persons with an active FOID Card and an FCCL.

3) Possession of a valid FOID Card or FOID Card with Designator does not relieve the holder of the responsibility to comply with State and federal law as it pertains to acquiring or possessing firearms or firearms ammunition.

4) Upon the development of a system under which an electronic version of a FOID card can be displayed on a mobile telephone or other portable electronic device, the possession of such electronic version shall satisfy the requirements of Section 2(a) of the Act regarding possession of a FOID Card so long as the device contains all security features required by the Department to ensure the electronic version is current and accurate.

b) Validity. Prior to the sale or transfer of any firearms or firearms ammunition, if the FOID Card has no expiration date on its face or the FOID Card is expired, the validity of the purchaser's FOID Card under this Act must be checked on the Department's online FOID/FCCL system except as provided in subsection (b)(7) below.

1) Federally-licensed firearm dealers transferring a firearm are exempt from this requirement but must comply with the provisions set forth in Part 1235, Firearm Transfer Inquiry Program, of this Title.

2) These inquiry requirements apply equally to transfers involving new, used, and trade-in firearms.

3) Inquiries made to the Department's online FOID/FCCL system do not exempt or otherwise relieve the person making such inquiry from compliance with any other State or federal laws or local ordinances.

4) The seller will perform the inquiry by following the step-by-step instructions provided through the Department's online FOID/FCCL system.

5) The Department shall determine the validity of the purchaser's FOID Card and provide a transaction approval number if the FOID Card is active.

A) The seller shall not complete the sale or otherwise transfer the firearm until a transaction approval number is provided by the Department.

B) The seller must complete the transfer of all firearms within 30 days after the transaction approval number has been provided by the Department.

C) If the purchaser's FOID Card is not active, the Department shall advise the seller.

6) The purchaser and seller are required to comply with the requirements of Section 3b of the Act [430 ILCS 65/3(b)].

A) Purchasers and/or sellers who elect to provide the Department with a record of the transfer, shall do so by completing the form available on the Department's website for this purpose.

B) Completed transfer record forms will be attached to the purchaser's account within the Department's online FOID/FCCL system and retained for a period of not less than 20 years.

7) If the FOID Card has an expiration date printed on its face and the card has not yet expired, the card shall be considered active for purposes of sale or transfer of firearms ammunition only and need not be checked in the Department's online FOID/FCCL system. All FOID Cards must be checked in the Department's online FOID/FCCL system for the sale or transfer of firearms as provided in this subsection (b).

(Source: Added at 46 Ill. Reg. 1057, effective December 21, 2021)