**Section 1232.10 Definitions**

The following additional definitions also apply to this Part unless the context clearly requires a different meaning:

"Act" means Firearm Dealer License Certification Act [430 ILCS 68].

"Applicant" means a person who has submitted an application for a certified license.

"ATF" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives within the U.S. Department of Justice.

"Certified Licensee" or "CL" means a licensee who has certified its FFL under the Act and this Part.

"Dealer License" means a Federal Firearms License authorizing a person or entity to engage in the business of dealing firearms*.*

*"Director" means the Director of State Police* or his or her designee*.*

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including, but not limited to, fire, flood, earthquake, hazardous materials spill, extended periods of severe and inclement weather, explosion, riot, public health emergencies, or acts of domestic or cyber terrorism, or any other State or federally declared disaster situation.

"Electronic Record" means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another.

"Engage in the Business of Dealing Firearms", as used in Section 5-5 of the Act, "Engage in the Business of Selling, Leasing, or Otherwise Transferring Firearms" as used in Section 5-15 of the Act, or "Dealer" means a person or entity that devotes time, attention and labor to the selling, leasing or transferring of firearms at retail as a regular course of trade or business with the principal objective of livelihood and profit through the sale, lease or transfer of firearms. These terms apply to any person or entity who engages in the business on a full or part-time basis. The terms shall not apply to the following:

a person or entity that primarily engages in gunsmithing services in which it accepts a firearm for service, services the firearm, and returns it only to the customer who gave it the firearm to service;

a person or entity that engages primarily in the manufacture or import of firearms but does not sell, lease or transfer firearms at retail to individual purchasers;

a person or entity that is a collector of firearms who acquires, holds or disposes of firearms as curios or relics;

pawnshops that acquire firearms only for purposes of bailment as defined in Section 5-25(11) of the Act;

a person or entity that primarily engages in transactions that do not require the completion of a Form 4473 and background check under State or federal law; or

any activity otherwise exempt under Section 5-25 of the Act.

*"Entity" means any person, firm, corporation, group of individuals, or other legal entity.*

"FFL" means Federal Firearms License.

"FFL Holder" *means a person, firm, corporation, or other entity that has been given, and currently possesses, a valid Federal Firearms License.*

"Firearm" means any device, by whatever name known, that is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas.

"Firearm" does not include:

any pneumatic gun, spring gun, paint ball gun, or BB gun that expels a single globular projectile not exceeding .18 inch in diameter or that has a maximum muzzle velocity of less than 700 feet per second;

any pneumatic gun, spring gun, paint ball gun, or BB gun that expels breakable paint balls containing washable marking colors;

any device used exclusively for signaling or safety that is required or recommended by the U.S. Coast Guard or the Interstate Commerce Commission;

any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition; and

a curio or relic (other than a machine gun) that, although designed as a weapon, ISP finds, by reason of the date of its manufacture, value, design, and other characteristics, is primarily a collector's item and is not likely to be used as a weapon.

"Firearm" does include:

any weapon (including a starter gun) that will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive;

the frame or receiver of any such weapon; and

any firearm muffler or firearm silencer.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, that is designed to be used or adaptable to use in a firearm. "Firearm ammunition" does not include:

any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the U.S. Coast Guard or the Interstate Commerce Commission; and

any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"FOID Act" means the Firearm Owners Identification Card Act [430 ILCS 65].

"Gunsmith" means a person who devotes time, attention and labor to servicing firearms as a regular course of trade or business with the principal objective of livelihood and profit, including a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"Importer" means any person or entity engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution.

"Inspection of Licensee's Place of Business" means review of all records and documents involving the selling, leasing or transferring of firearms present in a retail location, as well as all firearms subject to sale, lease or transfer in a retail location.

*"Inventory" means firearms in the possession of an individual or entity for the purpose of sale*, lease, *or transfer.*

"ISP" means the Illinois State Police.

"Law Enforcement Agency" means a federal or State government agency that:

is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

has statutory powers of arrest or custodial detention; and

allows its members to carry a firearm while on duty.

*"License" means a Federal Firearms License authorizing a person or entity to engage in the business of dealing firearms.*

"Limited Access Area" means a room or rooms on the premises of, and under the control of, the certified licensee to which only the CL, the CL's agents and other authorized personnel (e.g., ISP or law enforcement personnel) have access. "Limited access area" includes places where weapons are stored when not on display, surveillance equipment is maintained, and other areas that are not generally accessible by the public or nonauthorized employees.

"Manufacturer" means any person or entity engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution.

"Open to the Public" means that a certified licensee sells, leases or transfers firearms to the general public during regular business hours or by appointment only.

"Pawnbroker" means any person or entity whose business or occupation includes the taking of, or receiving of, by way of pledge or pawn, any firearm as security for the payment or repayment of money.

"Person" means any individual, corporation, company, association, firm, partnership, or any other entity, including any governmental entity.

*"Retail Location" means* the actual physical space or location *open to the public from which a certified licensee engages in the business of selling,* leasing, *transferring, or facilitating the sale or transfer of a firearm. For purposes of the Act, a gun show or similar event at which a certified licensee engages in business from time to time is not a retail location.* (Section 5-5 of the Act) A location is not considered a retail location if the certified licensee only transfers weapons classified as curios or relics.

"Secure Gun Storage or Safety Device" means:

a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

a device incorporated in the design of the firearm to prevent the operation of the firearm by anyone not having access to the device; or

a safe, gun safe, gun case, lock box, or other locked receptacle that is designed to be, or can be, used to store a firearm and that is designed to be unlocked only by use of a key, combination, or other similar means.

"Straw Purchase" means:

the unlawful purchase of a firearm by a person who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm; or

the unlawful purchase of a firearm by a person who intentionally provides false or misleading information on an ATF firearms transaction record form to purchase a firearm with the intent to deliver that firearm to another person.

"Valid" means current and not suspended, revoked, expired, canceled, invalidated, denied or disqualified.

"Valid Photo Identification Card" means a current, and not suspended, revoked, expired, canceled, invalidated, denied or disqualified, driver's license or identification card issued by the federal government or any state. It does not include a temporary visitor's driver's license (TVDL).

"With the Principal Objective of Livelihood and Profit" means that the intent underlying the sale, lease or transfer of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal collection, and is not intended to apply to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes.