

Firearms at Auction- An Ever-Changing Task...

A jack of all trades and master of none. I'm not so certain that I appreciate that description of myself, but, alas, oft we do not appreciate what others may label us. An auctioneer is most often that. A jack of all trades...In conducting a variety of auctions, in a variety of settings, selling a wide variety of items, to a largely differing demographic. We have seen it all, (most commonly, have "sold" it all). Been there; done that. With this magnitude of variability comes the need to know a lot about what we are selling. It is difficult to be knowledgeable about all types of items and becomes quite a task when faced with selling something that we as the auctioneer, don't feel completely up to speed on.

Firearms are sometimes one of those items. The ATF and Minnesota lawmakers continue to work on what they feel is best for America, when it comes to the ownership and transfer of firearms. Currently, an auctioneer is allowed to sell at auction, firearms belonging to the Estate. The executor or seller themselves, maintain possession of the firearms and the auctioneer only acts as a selling agent, not as an agent engaging in business as a dealer, and thus, would not need a license. (FFL) An auctioneer who does hold a license may perform this function away from their premises.

On the other hand, an auctioneer engaging in a consignment auction, (multiple sellers) often takes possession of firearms in advance of the auction, to inventory, evaluate, photo, and tag. In this case, the firearms belong to individuals who have entered into a consignment agreement with the auctioneer, giving the auctioneer authority to sell the firearms. The auctioneer becomes in possession and control of the firearms and would need to hold a Federal Firearms License (FFL).

Minnesota recently is making some changes to how and what auctioneers are authorized to do in regard to the sale of firearms. (This is separate from and not a Federal change; only within Minnesota) similar to what has been done in the past, in a bill written and passed, to have auctioneers follow a similar protocol to transfer firearms as is done Federally. Minnesota has in the past wished to do this, several years ago, but it is this author's understanding that even though passed through State congress, did not hold the weight and follow-through of enforcement.

As auctioneers and "Jacks of All Trades..." if you are concerned about being allowed to continue in the manner of auctioning firearms as we have been allowed to do in the past, you will want to watch upcoming legislation regarding our ability to do so. It's not too late to begin the process to become an FFL, or Federal Firearms Licensee. Although it is a semi-lengthy process, it is not daunting and well supported by the ATF. Becoming an FFL will allow you, as a Minnesota auctioneer, to continue to auction firearms, (albeit, different than how we are currently able to) lawfully if this change does occur. Stay tuned!!!

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