

The Senate Committee on Banking and Financial Institutions offers the following substitute to SB 282:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to deceptive or unfair practices, so as to prohibit the discriminatory refusal to provide
3 credit or financial services to those persons engaged in the lawful commerce of firearms or
4 ammunition products; to provide for a short title; to provide definitions; to provide for civil
5 causes of action; to provide for action by the Attorney General; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
10 deceptive or unfair practices, is amended by adding a new part to read as follows:

11 "Part 7

12 10-1-439.

13 This part shall be known and may be cited as the 'Georgia Firearms Industry
14 Nondiscrimination Act.'

15 10-1-439.1.

16 As used in this part, the term:

17 (1) 'Person' means one or more individuals, partnerships, associations, limited liability
18 companies, corporations, unincorporated organizations, mutual companies, joint stock
19 companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers,
20 labor organizations, public bodies, and public corporations and the State of Georgia and
21 all political subdivisions and agencies thereof. Such term shall include federally
22 chartered banking institutions that accept state deposits.

23 (2) 'Trade association' means any corporation, unincorporated association, federation,
24 business league, or professional or business organization not organized or operated for
25 profit and no part of the net earnings of which inures to the benefit of any private
26 shareholder or individual; that is an organization described in Section 501(c)(6) of
27 Title 26 of the United States Code and exempt from tax under Section 501(a) of such
28 title; and two or more members of which are manufacturers or sellers of a qualified
29 product as defined by Section 7903(4) of Title 15 of the United States Code.

30 10-1-439.2.

31 It shall be an unlawful discriminatory practice for any person to refuse to provide credit or
32 financial services of any kind to, to refrain from continuing an existing credit or financial
33 services relationship with, to terminate an existing credit or financial services relationship
34 with, or to otherwise discriminate in the provision of credit or financial services against a
35 person or trade association solely because such person or trade association is engaged in
36 the lawful commerce of firearms or ammunition products and is licensed pursuant to
37 Chapter 44 of Title 18 of the United States Code or is a trade association.

38 10-1-439.3.

39 A victim of unlawful discriminatory practices described in Code Section 10-1-439.2 may
40 bring a civil cause of action for unlawful discriminatory practices against any person who
41 committed the offense for actual and compensatory damages, punitive damages, treble
42 damages, exemplary damages, injunctive relief, and any other appropriate civil relief.

43 10-1-439.4.

44 A plaintiff who successfully prevails in a civil action filed pursuant to this part shall be
45 entitled to recover reasonable attorney's fees and all court costs.

46 10-1-439.5.

47 A private civil cause of action filed pursuant to this part shall be filed no later than two
48 years after the date when the aggrieved person or trade association becomes aware of the
49 unlawful discriminatory practice set forth in Code Section 10-1-439.2.

50 10-1-439.6.

51 In addition to the other remedies provided in this chapter, whenever the Attorney General
52 has reason to believe that any person is engaging, has engaged, or is about to engage in any
53 act or practice declared unlawful by this part, the Attorney General may, upon his or her
54 own initiative, bring an action in the name of the state against such person:

- 55 (1) To obtain a declaratory judgment that the act or practice violates the provisions of
56 this part;
- 57 (2) To enjoin any act or practice that violates the provisions of this part by issuance of
58 a temporary restraining order or preliminary or permanent injunction, without bond, upon
59 the giving of appropriate notice; and
- 60 (3) To recover civil penalties of up to \$10,000.00 per violation of this part or any
61 injunction, judgment, or consent order issued or entered into under the provisions of this
62 chapter and reasonable expenses, investigative costs, and attorney's fees."

63

SECTION 2.

64 All laws and parts of laws in conflict with this Act are repealed.