

Senate Bill 282

By: Senators Stone of the 23rd, Tippins of the 37th, Unterman of the 45th, Mullis of the 53rd, Burke of the 11th and others

AS PASSED SENATE

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) 'Financial services' means any service or product offered to the consumer or
18 business market by a bank, trust company, building and loan association, credit union
19 as defined by Code Section 7-1-4, any merchant acquirer limited purpose bank as
20 defined in paragraph (7) of Code Section 7-9-2, or a federally chartered banking
21 institution that accepts state deposits.

22 (2) 'Person' means one or more individuals, partnerships, associations, limited liability
23 companies, corporations, unincorporated organizations, mutual companies, joint stock

24 companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers,
 25 labor organizations, public bodies, and public corporations and the State of Georgia and
 26 all political subdivisions and agencies thereof. Such term shall include federally
 27 chartered banking institutions that accept state deposits.

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

35 10-1-439.2

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

43 10-1-439.3.

44 Whenever the Attorney General has reason to believe that any person is engaging, has
 45 engaged, or is about to engage in any act or practice declared unlawful by this part, the
 46 Attorney General shall, upon written request or by his or her own initiative, investigate and,
 47 upon finding a probable violation of this part, bring an action in the name of the state
 48 against such person.

49 (1) To obtain a declaratory judgment that the act or practice violates the provisions of
 50 this part;

51 (2) To enjoin any act or practice that violates the provisions of this part by issuance of
 52 a temporary restraining order or preliminary or permanent injunction, without bond, upon
 53 the giving of appropriate notice; and

54 (3) To recover civil penalties of up to \$10,000.00 per violation of this part or any
 55 injunction, judgment, or consent order issued or entered into under the provisions of this
 56 chapter and reasonable expenses, investigative costs, and attorney's fees."

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SECTION 2.

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