

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

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.

22 (2) 'Trade association' means any corporation, unincorporated association, federation,
23 business league, or professional or business organization not organized or operated for
24 profit and no part of the net earnings of which inures to the benefit of any private

25 shareholder or individual; that is an organization described in Section 501(c)(6) of
26 Title 26 of the United States Code and exempt from tax under Section 501(a) of such
27 title; and two or more members of which are manufacturers or sellers of a qualified
28 product as defined by Section 7903(4) of Title 15 of the United States Code.

29 10-1-439.2.

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

37 10-1-439.3.

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

42 10-1-439.4.

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

45 10-1-439.5.

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

49 10-1-439.6.

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

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

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

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

62 **SECTION 2.**

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