

1 SENATE BILL NO. 359

2 INTRODUCED BY T. VERMEIRE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING FINANCIAL INSTITUTIONS FROM DENOTING
5 MANDATING THE USE OF FIREARMS TRANSACTIONS DIFFERENTLY CODES THAT ARE DIFFERENT
6 FROM GENERAL SALES; PROVIDING DEFINITIONS; AND MAKING A VIOLATION OF THE PROHIBITION
7 AN UNFAIR TRADE PRACTICE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. Section 1. Firearms transaction -- ammunition -- tracking prohibited CODE. (1)

12 (a) A financial institution ~~facilitating a firearms transaction in this state may not apply a code or otherwise~~
13 ~~denote or record the transaction with information~~ MAY NOT REQUIRE A FIREARMS RETAILER IN THIS STATE TO USE A
14 FIREARMS CODE that is different from that of a general transaction.

15 (b) It is the intent of this section to prohibit a financial institution from ~~distinguishing firearms~~
16 ~~transactions separately from general purchases~~ MANDATING FIREARMS RETAILERS TO ADOPT A FIREARMS CODE THAT
17 IS SEPARATE FROM A GENERAL MERCHANDISE RETAILER OR SPORTING GOODS RETAILER.

18 (2) A ~~transaction in~~ violation of this section constitutes an unfair trade practice subject to the
19 provisions of Title 30, chapter 14, AND WITH EXCLUSIVE ENFORCEMENT AUTHORITY BY THE DEPARTMENT OF JUSTICE.

20 (3) For the purposes of this section, the following definitions apply:

21 (a) "Financial institution" means a:

- 22 (i) bank or trust company;
- 23 (ii) mutual savings and loan association;
- 24 (iii) credit union;
- 25 (iv) ~~credit card company~~ PAYMENT CARD NETWORK;
- 26 (v) online payment provider;
- 27 (vi) cryptocurrency company;
- 28 (vii) internet-based payment application;

- 1 (VIII) ACQUIRER;
2 (IX) PAYMENT FACILITATOR; or
3 ~~(viii)(X)~~ similar company or institution providing financial transaction services.
4 (B) "FIREARMS CODE" MEANS THE MERCHANT CATEGORY CODE APPROVED BY THE INTERNATIONAL
5 ORGANIZATION FOR STANDARDIZATION FOR THE PURPOSES OF INITIATING A CARD-BASED TRANSACTION FOR FIREARMS
6 RETAILERS.
7 ~~(b)(C)~~ "Firearms ~~transaction~~ RETAILER" means a ~~purchase~~ ANY PERSON OR ENTITY ENGAGED IN THE
8 LAWFUL BUSINESS OF SELLING OR TRADING ANY OF THE FOLLOWING ITEMS THAT ARE PHYSICALLY LOCATED in this
9 state, ~~including online purchases made from within this state, facilitated through a financial institution relating to:~~
10 (i) firearms;
11 (ii) firearms parts or components;
12 (iii) firearms accessories;
13 (iv) ammunition;
14 (v) ammunition components, including but not limited to powder or casings; or
15 (vi) other products offered and sold at firearms stores.

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17 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
18 integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [section 1].

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