

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3167

By: West (Kevin)

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5  
6 AS INTRODUCED

7 An Act relating to commercial transactions; creating  
8 the Oklahoma Firearms Industry Nondiscrimination Act;  
9 defining terms; deeming certain discriminatory  
10 practices unlawful; allowing for certain cause of  
11 action; providing for the recovery of certain fees  
12 and costs; setting time limit for filing cause of  
13 action; providing for certain actions by Attorney  
14 General; requiring certain actions be filed in  
15 specific court; providing for codification; and  
16 providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 17-101 of Title 12A, unless  
20 there is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Oklahoma  
22 Firearms Industry Nondiscrimination Act".

23 SECTION 2. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 17-102 of Title 12A, unless  
there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Firearms Industry Nondiscrimination Act:

1       1. "Entity" means one or more individuals, partnerships,  
2 associations, limited liability companies, corporations,  
3 unincorporated organizations, mutual companies, joint stock  
4 companies, trusts, agents, legal representatives, trustees, trustees  
5 in bankruptcy, receivers, labor organizations, public bodies, public  
6 corporations, and the State of Oklahoma, and all political  
7 subdivisions and agencies thereof; and

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

18       SECTION 3.       NEW LAW       A new section of law to be codified  
19 in the Oklahoma Statutes as Section 17-103 of Title 12A, unless  
20 there is created a duplication in numbering, reads as follows:

21       It shall be an unlawful discriminatory practice for any entity  
22 to refuse to provide any goods or services of any kind, refrain from  
23 continuing an existing business relationship, terminate an existing  
24 business relationship with, or otherwise discriminate against a

1 trade association or person, because the trade association supports,  
2 or the person is engaged in, the lawful commerce of firearms or  
3 ammunition products.

4 SECTION 4. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 17-104 of Title 12A, unless  
6 there is created a duplication in numbering, reads as follows:

7 A victim of unlawful discriminatory practices described in  
8 Section 3 of this act may bring a civil cause of action for unlawful  
9 discriminatory practices against any person who committed the  
10 offense for actual and compensatory damages, treble damages,  
11 exemplary damages, injunctive relief, and any other appropriate  
12 civil relief.

13 SECTION 5. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 17-105 of Title 12A, unless  
15 there is created a duplication in numbering, reads as follows:

16 A plaintiff who successfully prevails in a civil action filed  
17 pursuant to the Oklahoma Firearms Industry Nondiscrimination Act  
18 shall be entitled to recover reasonable attorney fees and all court  
19 costs.

20 SECTION 6. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 17-106 of Title 12A, unless  
22 there is created a duplication in numbering, reads as follows:

23 A private civil cause of action filed pursuant to the Oklahoma  
24 Firearms Industry Nondiscrimination Act shall be filed no later than

1 two (2) years after the date when the aggrieved person becomes aware  
2 of the unlawful discriminatory practice set forth in Section 3 of  
3 this act.

4 SECTION 7. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 17-107 of Title 12A, unless  
6 there is created a duplication in numbering, reads as follows:

7 A. In addition to the other remedies provided in the Oklahoma  
8 Firearms Industry Nondiscrimination Act, whenever the Office of the  
9 Attorney General has reason to believe that any person is engaging,  
10 has engaged, or is about to engage in any act or practice declared  
11 unlawful by this act, the Attorney General may bring an action in  
12 the name of the state against that person to:

13 1. Obtain a declaratory judgment that the act or practice  
14 violates the provisions of this act;

15 2. Enjoin any act or practice that violates the provisions of  
16 this act by issuance of a temporary restraining order or preliminary  
17 or permanent injunction, without bond, upon the giving of  
18 appropriate notice; and

19 3. Recover civil penalties of up to Ten Thousand Dollars  
20 (\$10,000.00) per violation of this act, or any injunction, judgment  
21 or consent order issued or entered into under the provisions of this  
22 act and reasonable expenses, investigative costs, and attorney fees.  
23 In addition, the Attorney General shall recommend a discontinuation  
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1 of state business relations with entities found to be in violation  
2 of this act.

3 B. Any action, application or motion brought by the Attorney  
4 General against a person under this act shall be filed in Oklahoma  
5 County District Court.

6 SECTION 8. This act shall become effective November 1, 2020.

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