

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3221

By: West (Kevin)

AS INTRODUCED

An Act relating to firearms; creating the Second Amendment Financial Privacy Act; defining terms; prohibiting the assignment or use of firearm codes; prohibiting firearm retailers from providing firearm codes to payment card issuers or payment card networks; providing an exception; directing payment card issuers and payment card networks to provide certain notification to payment card holders; directing the Attorney General to conduct investigations and request certain data; directing the Attorney General to provide written notice of violations; prohibiting the Attorney General from bringing actions against persons or entities under certain circumstances; granting the Attorney General exclusive authority to enforce provisions; providing civil penalties for violations; stating requirements when bringing civil actions; directing deposit of civil penalties into General Revenue Fund; authorizing users of payment cards to bring certain actions against payment card issuers or payment card networks; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 799B.1 of Title 15, unless there is created a duplication in numbering, reads as follows:

1 Sections 1 through 7 of this act shall be known and may be cited
2 as the "Second Amendment Financial Privacy Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 799B.2 of Title 15, unless there
5 is created a duplication in numbering, reads as follows:

6 As used in this act:

7 1. "Electronic payment transaction" means a transaction in
8 which a person uses a payment card or other payment code or device
9 issued or approved through a payment card network to debit a deposit
10 account or use a line of credit, whether authorization is based on a
11 signature, personal identification number, or other means;

12 2. "Firearms code" means any merchant category code approved by
13 the International Organization for Standardization for a firearms
14 retailer, including Merchant Category Code 5723;

15 3. "Firearms retailer" means any person or entity engaged in
16 the sale of firearms, ammunition for use in firearms, or firearms
17 accessories;

18 4. "Payment card" means a credit card, debit card, check card,
19 or other card that is issued to an authorized user to purchase or
20 obtain goods, services, money, or any other thing of value;

21 5. "Payment card issuer" means a lender, including a financial
22 institution, or a merchant that receives applications and issues
23 payment cards to individuals; and

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1 6. "Payment card network" means an entity that directly or
2 through a licensed member, processor, or agent provides the
3 proprietary services, infrastructure, and software that route
4 information and data to conduct debit card or credit card
5 transaction authorization, clearance, and settlement, and that an
6 entity uses in order to accept as a form of payment a brand of debit
7 card, credit card, or other device that may be used to carry out
8 debit or credit transactions.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 799B.3 of Title 15, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A person or entity involved in facilitating or processing an
13 electronic payment transaction, including a payment card issuer or
14 payment card network, may not assign to a merchant or require a
15 merchant to use a firearms code.

16 B. For the purposes of the sale of firearms, ammunition for use
17 in firearms, and firearms accessories, a firearms retailer may not
18 provide a firearms code to a payment card issuer or payment card
19 network and may only use or be assigned a merchant category code for
20 general merchandise retailers or sporting goods retailers. Any
21 agreement or contractual provision to the contrary is void.

22 C. A payment card issuer or payment card network shall notify
23 the payment card holder in writing on every occasion that a firearms
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1 code is assigned to an electronic payment transaction on the payment
2 account of the card holder.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 799B.4 of Title 15, unless there
5 is created a duplication in numbering, reads as follows:

6 A. If the Attorney General has reasonable cause to believe that
7 a person or entity has engaged in, is engaging in, or is about to
8 engage in a violation of this act, the Attorney General shall
9 investigate the alleged violations.

10 B. The Attorney General may request that a person or entity
11 disclose any data that is relevant to an investigation conducted by
12 the Attorney General. The Attorney General shall evaluate the data
13 for compliance with the requirements set forth in Section 3 of this
14 act.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 799B.5 of Title 15, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Not later than the thirtieth day before bringing an action
19 under Section 6 of this act, the Attorney General must give written
20 notice to the person or entity identifying the specific provisions
21 of this act that are or were being violated.

22 B. The Attorney General may not bring an action against the
23 person or entity if the person or entity:
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- 1 1. Cures the identified violation within the thirty-day period;
- 2 and
- 3 2. Provides the Attorney General a written statement affirming
- 4 that the person or entity has:
- 5 a. cured the alleged violation,
- 6 b. provided supporting documentation to show how the
- 7 violation was cured, and
- 8 c. made changes to internal policies to prevent the
- 9 recurrence of any similar violation in the future.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 799B.6 of Title 15, unless there
12 is created a duplication in numbering, reads as follows:

- 13 A. Except as provided by Section 7 of this act, the Attorney
14 General has exclusive authority to enforce the provisions of this
15 act.
- 16 B. A person or entity who violates the provisions of this act
17 and fails to cure the violation in accordance with Section 5 of this
18 act, or who breaches a written statement provided to the Attorney
19 General under that section, is liable for a civil penalty in the
20 amount of Ten Thousand Dollars (\$10,000.00) for each violation.
- 21 C. The Attorney General shall bring an action to:
 - 22 1. Recover a civil penalty under this section; and
 - 23 2. Restrain or enjoin a person or entity from violating the
 - 24 provisions of this act.

1 D. The Attorney General may recover reasonable attorney fees
2 and other reasonable expenses incurred in investigating and bringing
3 an action under this section.

4 E. Civil penalties collected under the provisions of this act
5 by the Attorney General shall be deposited in the State Treasury to
6 the credit of the General Revenue Fund.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 799B.7 of Title 15, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A person who has used a payment card to purchase a firearm,
11 ammunition for use in a firearm, or a firearm accessory may bring an
12 action against a payment card issuer or payment card network to
13 obtain:

14 1. A declaratory judgment that the payment card issuer or
15 payment card network has violated the provisions of Section 3 of
16 this act; or

17 2. A judgment enjoining the payment card issuer or payment card
18 network from violating the provisions of Section 3 of this act.

19 B. Except as provided by subsection A of this section, this act
20 may not be construed as providing a basis for, or being subject to,
21 a private right of action for a violation of this act or any other
22 law.

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1 SECTION 8. This act shall become effective November 1, 2024.

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