

The Senate Committee on Banking and Financial Institutions offers the following substitute to SB 282:

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. Such term shall include federally  
22 chartered banking institutions that accept state deposits.

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

30 10-1-439.2.

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

38 10-1-439.3.

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

43 10-1-439.4.

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

46 10-1-439.5.

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

50 10-1-439.6.

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

