

House Bill 1018

By: Representatives Ridley of the 6th, Rhodes of the 124th, Burchett of the 176th, Williams of the 148th, Ridley of the 22nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 10 and 16 of the Official Code of Georgia Annotated, relating to commerce
2 and trade and crimes and offenses respectively, so as to provide for protections of persons
3 who own, purchase, or engage in the business of selling firearms; to prohibit financial
4 institutions from requiring the use of a firearms code that distinguishes firearms retailers
5 from other retailers; to prohibit discrimination against firearms retailers by financial
6 institutions through the use of a firearms code; to prohibit the disclosure of certain financial
7 records by financial institutions; to provide for petitions to the Attorney General to
8 investigate alleged violations; to prohibit persons or government entities from keeping
9 registries of firearms or owners of firearms; to provide for construction; to provide
10 definitions; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
14 amended by revising Part 7 of Article 15 of Chapter 1, relating to the "Georgia Firearms
15 Industry Nondiscrimination Act," as follows:

H. B. 1018

16 "Part 7

17 10-1-439.

18 This part shall be known and may be cited as the 'Georgia Firearms Industry
19 Nondiscrimination Act.'

20 10-1-439.1.

21 As used in this part, the term:

22 (1) 'Disclose a financial record' means transfer, publish, or distribute information relating
23 to a payment card transaction to another person for any purpose other than to:

24 (A) Process or facilitate a payment card transaction; or

25 (B) Take any actions related to dispute processing, fraud management, or protecting
26 transaction integrity from concerns related to illegal activities or cyber risks.

27 (2) 'Financial institution' means any bank, trust company, building and loan association,
28 credit union as defined in Code Section 7-1-4, merchant acquirer limited purpose bank
29 as defined in Code Section 7-9-2, federally chartered banking institution that accepts state
30 deposits, or entity involved in facilitating or processing payment card transactions,
31 including, but not limited to, an acquirer, a payment card network, or a payment card
32 issuer.

33 (3) 'Financial services' means any service or product offered to the consumer or business
34 market by a bank, trust company, building and loan association, credit union as defined
35 by Code Section 7-1-4, any merchant acquirer limited purpose bank as defined in
36 paragraph (7) of Code Section 7-9-2, or a federally chartered banking institution that
37 accepts state deposits financial institution.

38 (4) 'Firearms code' means a merchant category code or any other indicator that a
39 financial institution assigns to a merchant or to a payment card transaction that identifies

40 whether the merchant is a firearms retailer or whether the payment card transaction
41 involves the purchase of a firearm or ammunition.

42 (5) 'Firearms retailer' means any person physically located in this state that is engaged
43 in the lawful business of selling or trading firearms or ammunition.

44 (6) 'Payment card' shall have the same meaning as provided in Code Section 10-15-1.

45 ~~(7)(2)~~ 'Person' means one or more individuals, partnerships, associations, limited liability
46 companies, corporations, unincorporated organizations, mutual companies, joint stock
47 companies, trusts, ~~agents, legal representatives, trustees, trustees in bankruptcy, receivers,~~
48 ~~labor organizations, public bodies, and public corporations and the State of Georgia and~~
49 ~~all political subdivisions and agencies thereof~~ or other legal or business entities. Such
50 term shall include federally chartered banking institutions that accept state deposits.

51 ~~(3)~~(8) 'Trade association' means any corporation, unincorporated association, federation,
52 business league, or professional or business organization not organized or operated for
53 profit and no part of the net earnings of which inures to the benefit of any private
54 shareholder or individual; that is an organization described in Section 501(c)(6) of
55 Title 26 of the United States Code and exempt from tax under Section 501(a) of such
56 title; and two or more members of which are manufacturers or sellers of a qualified
57 product as defined by Section 7903(4) of Title 15 of the United States Code.

58 10-1-439.2.

59 (a) Unless otherwise precluded by law, regulation, or membership eligibility, it shall be
60 an unlawful discriminatory practice for any person to refuse to provide financial services
61 of any kind to, to refrain from continuing to provide existing financial services to, to
62 terminate existing financial services with, or to otherwise discriminate in the provision of
63 financial services against a person or trade association solely because such person or trade
64 association is engaged in the lawful commerce of firearms or ammunition products and is

65 licensed pursuant to Chapter 44 of Title 18 of the United States Code or is a trade
66 association.

67 (b) It shall be an unlawful discriminatory practice for any financial institution to require
68 the usage of a firearms code in a way that distinguishes a firearms retailer that is physically
69 located in this state from general merchandise retailers or sporting goods retailers.

70 (c) It shall be unlawful for any financial institution to discriminate against a firearms
71 retailer by declining a lawful payment card transaction based solely on the assignment or
72 nonassignment of a firearms code; provided, however, that a financial institution may
73 decline or otherwise refuse to process a payment card transaction on the basis of a firearms
74 code if such action is requested by the customer or is the result of fraud prevention
75 procedures or merchant category exclusions offered by the financial institution for the
76 purpose of expenditure control or corporate payment card control.

77 (d) Except as otherwise required by law or regulation, a financial institution shall not
78 disclose a financial record, including a firearms code that was collected in violation of
79 subsection (b) of this Code section, unless such disclosure is based on a good faith
80 conclusion that it was required by applicable law or regulation.

81 (e) Nothing in this Code section shall limit the ability of a financial institution to negotiate
82 with responsible parties or otherwise impair the financial institution's actions related to
83 dispute processing, fraud management, or protecting transaction integrity from concerns
84 related to illegal activities or cyber risks.

85 10-1-439.3.

86 (a) Whenever the Attorney General has reason to believe that any person is engaging, has
87 engaged, or is about to engage in any act or practice declared unlawful by this part, the
88 Attorney General shall, upon written request made pursuant to subsection (b) of this Code
89 section or by his or her own initiative, investigate and, upon finding a probable violation
90 of this part, bring an action in the name of the state against such person to:

91 (1) Obtain a declaratory judgment that the act or practice violates the provisions of this
92 part;

93 (2) Enjoin any act or practice that violates the provisions of this part by issuance of a
94 temporary restraining order or preliminary or permanent injunction, without bond, upon
95 the giving of appropriate notice; and

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

99 Provided, however, that no action shall be brought by the Attorney General under this
100 subsection until after the person who is alleged to have violated this part has received
101 written notice from the Attorney General of the alleged violation and failed to cease the
102 activity that is alleged to be a violation of this part within 30 days of receiving such notice.

103 (b) Any person who is the subject of an action believed to be in violation of this part may
104 request, in writing, that the Attorney General investigate the alleged violation pursuant to
105 subsection (a) of this Code section.

106 10-1-439.4.

107 The provisions of this part shall not apply to any bank, trust company, credit union, or
108 merchant acquirer limited purpose bank that is chartered under the laws of this state or any
109 other state to the extent that federal law precludes or preempts or has been determined to
110 preclude or preempt the application of the provisions of this part to any federally chartered
111 bank, trust company, credit union, or merchant acquirer limited purpose bank."

112 **SECTION 2.**

113 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
114 amended in Code Section 16-11-129, relating to weapons carry license, gun safety

115 information, temporary renewal permit, mandamus, and verification of license, by revising
116 subsection (k) as follows:

117 "(k) **Data base prohibition.**

118 (1) As used in this subsection, the term:

119 (A) 'Government entity' means an office, agency, authority, department, commission,
120 board, body, division, instrumentality, or institution of the state or of any county,
121 municipal corporation, or consolidated government within this state.

122 (B) 'Multijurisdictional data base' means a data base of information shared between or
123 among more than one government entity or between or among a government entity and
124 any office, agency, authority, department, commission, board, body, division,
125 instrumentality, or institution of the United States or of any other state.

126 (2) No ~~A~~ person or government entity shall knowingly and willfully:

127 (A) ~~not create~~ Create or maintain a multijurisdictional data base of information
128 regarding persons issued or who have applied for weapons carry licenses; or

129 (B) Keep, or cause to be kept, any list, record, or registry of privately owned firearms
130 or owners of such firearms; provided, however, that nothing in this subparagraph shall
131 prohibit a person from keeping, or causing to be kept, any list, record, or registry of
132 firearms owned by such person."

133

SECTION 3.

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