

1 HB327  
2 165741-1  
3 By Representatives Henry, Hammon, Moore (B) and Harbison  
4 RFD: Judiciary  
5 First Read: 19-MAR-15

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8 SYNOPSIS: This bill would create the Alabama Firearms  
9 Industry Nondiscrimination Act.

10 This bill would provide a person or trade  
11 association as defined by this act with a civil  
12 cause of action based on a refusal to provide goods  
13 or services to that person or trade association  
14 solely because that person is engaged in the lawful  
15 commerce of firearms or ammunition products.

16 This bill would provide the Attorney General  
17 with authority to investigate and pursue civil  
18 charges against a person who engages in the  
19 discriminatory business practices outlined in this  
20 act.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to the firearms industry and discriminatory  
27 practice of refusing to provide goods or services to those

1 persons engaged in the lawful commerce of firearms or  
2 ammunition products; to add a new Article 39 to Chapter 5 of  
3 Title 6, Code of Alabama 1975, to provide a private civil  
4 cause of action for discriminatory business practices based  
5 solely on a person or trade association's lawful commerce in  
6 firearms or ammunition products; and to provide the Attorney  
7 General authority to investigate and file a civil action to  
8 enforce this act.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. A new Article 39 of Chapter 5 of Title 6,  
11 comprised of Sections 6-5-760, 6-5-761, 6-5-762, 6-5-763,  
12 6-5-764, 6-5-765, and 6-5-766 is added to the Code of Alabama  
13 1975, to read as follows:

14 Article 39. Firearms Industry Nondiscrimination.

15 §6-5-760. This article shall be known and may be  
16 cited as the Alabama Firearms Industry Nondiscrimination Act.

17 §6-5-761. As used in and for determining the  
18 applicability of this article, the following words shall have  
19 the following meanings solely for purposes of this chapter:

20 (1) PERSON. One or more individuals, partnerships,  
21 associations, limited liability companies, corporations,  
22 unincorporated organizations, mutual companies, joint stock  
23 companies, trusts, agents, legal representatives, trustees,  
24 trustees in bankruptcy, receivers, labor organizations, public  
25 bodies, public corporations, and the State of Alabama, and all  
26 political subdivisions and agencies thereof.

1                   (2) TRADE ASSOCIATION. Any corporation,  
2                   unincorporated association, federation, business league,  
3                   professional or business organization not organized or  
4                   operated for profit and no part of the net earnings of which  
5                   inures to the benefit of any private shareholder or  
6                   individual, that is an organization described in Section  
7                   501(c)(6) of Title 26 of the United States Code and exempt  
8                   from tax under Section 501(a) of such title, and two or more  
9                   members of which are manufacturers or sellers of a qualified  
10                  product as defined by Section 7903(4) of Title 15 of the  
11                  United States Code.

12                  §6-5-762. It shall be an unlawful discriminatory  
13                  practice for any person to refuse to provide any goods or  
14                  services of any kind, or to refrain from continuing an  
15                  existing business relationship, or to terminate an existing  
16                  business relationship with, or otherwise discriminate against  
17                  a person or trade association, solely because a person is  
18                  engaged in the lawful commerce of firearms or ammunition  
19                  products who is licensed pursuant to Chapter 44 of Title 18 of  
20                  the United States Code or is a trade association as defined by  
21                  this article.

22                  §6-5-763. A victim of unlawful discriminatory  
23                  practices described in Section 6-5-762 may bring a civil cause  
24                  of action for unlawful discriminatory practices against any  
25                  person who committed the offense for actual and compensatory  
26                  damages, punitive damages, treble damages, exemplary damages,  
27                  injunctive relief, and any other appropriate civil relief.

1           §6-5-764. A plaintiff who successfully prevails in a  
2 civil action filed pursuant to this article shall be entitled  
3 to recover reasonable attorney's fees and all court costs.

4           §6-5-765. A private civil cause of action filed  
5 pursuant to this article must be filed no later than two years  
6 after the date when the aggrieved person becomes aware of the  
7 unlawful discriminatory practice set forth in Section 6-5-762.

8           §6-5-766. (a) In addition to the other remedies  
9 provided in this article, whenever the Attorney General has  
10 reason to believe that any person is engaging, has engaged, or  
11 is about to engage in any act or practice declared unlawful by  
12 this act, the Attorney General, on his or her own initiative,  
13 may bring a civil action in the name of the state against that  
14 person:

15                 (1) To obtain a declaratory judgment that the act or  
16 practice violates this article.

17                 (2) To enjoin any act or practice that violates this  
18 article by issuance of a temporary restraining order or  
19 preliminary or permanent injunction, without bond, upon the  
20 giving of appropriate notice.

21                 (3) To recover civil penalties of up to ten thousand  
22 dollars (\$10,000) per violation of this article, or any  
23 injunction, judgment, or consent order issued or entered into  
24 under this article and reasonable expenses, investigative  
25 costs, and attorney's fees.

1                   (b) Any action, application, or motion brought by  
2                   the Attorney General against a person under this article shall  
3                   be filed in the 15th Judicial Circuit Court of Alabama.

4                   Section 2. This act shall become effective on the  
5                   first day of the third month following its passage and  
6                   approval by the Governor, or its otherwise becoming law.