HB327

165741-1

By Representatives Henry, Hammon, Moore (B) and Harbison

RFD: Judiciary

First Read: 19-MAR-15
SYNOPSIS: This bill would create the Alabama Firearms Industry Nondiscrimination Act.

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

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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

(1) PERSON. One or more individuals, partnerships,
associations, limited liability companies, corporations,
unincorporated organizations, mutual companies, joint stock
companies, trusts, agents, legal representatives, trustees,
trustees in bankruptcy, receivers, labor organizations, public
bodies, public corporations, and the State of Alabama, and all
political subdivisions and agencies thereof.
(2) TRADE ASSOCIATION. Any corporation,
unincorporated association, federation, business league,
professional or business organization not organized or
operated for profit and no part of the net earnings of which
inures to the benefit of any private shareholder or
individual, that is an organization described in Section
501(c)(6) of Title 26 of the United States Code and exempt
from tax under Section 501(a) of such title, and two or more
members of which are manufacturers or sellers of a qualified
product as defined by Section 7903(4) of Title 15 of the
United States Code.

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

§6-5-763. A victim of unlawful discriminatory
practices described in Section 6-5-762 may bring a civil cause
of action for unlawful discriminatory practices against any
person who committed the offense for actual and compensatory
damages, punitive damages, treble damages, exemplary damages,
injunctive relief, and any other appropriate civil relief.
§6-5-764. A plaintiff who successfully prevails in a civil action filed pursuant to this article shall be entitled to recover reasonable attorney's fees and all court costs.

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

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

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

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

(3) To recover civil penalties of up to ten thousand dollars ($10,000) per violation of this article, or any injunction, judgment, or consent order issued or entered into under this article and reasonable expenses, investigative costs, and attorney's fees.
(b) Any action, application, or motion brought by
the Attorney General against a person under this article shall
be filed in the 15th Judicial Circuit Court of Alabama.

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