

SECOND REGULAR SESSION

HOUSE BILL NO. 2426

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VESCOVO.

6212H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the refusal to provide credit or financial services to persons engaged in the lawful commerce of firearms or ammunition products, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.1900, to read as follows:

**407.1900. 1. This section shall be known and may be cited as the "Missouri
2 Firearms Industry Nondiscrimination Act".**

3 2. As used in this section, the following terms shall mean:

**4 (1) "Person", one or more individuals, partnerships, associations, limited liability
5 companies, corporations, unincorporated organizations, mutual companies, joint stock
6 companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers,
7 labor organizations, public bodies, and public corporations and the state of Missouri and
8 all political subdivisions and agencies thereof;**

**9 (2) "Trade association", any corporation, unincorporated association, federation,
10 business league, or professional or business organization not organized or operated for
11 profit and no part of the net earnings of which inures to the benefits of any private
12 shareholder or individual; that is an organization described in Section 501(c)(6) of Title 26
13 of the United States Code and exempt from tax under Section 501(a) of Title 26 of the
14 United States Code; and two or more members of which are manufacturers or sellers of
15 a qualified product as defined by Section 7903(4) of Title 15 of the United States Code.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **3. It shall be an unlawful discriminatory practice for any person to refuse to**
17 **provide credit or financial services of any kind to, to refrain from continuing an existing**
18 **credit or financial services relationship with, to terminate an existing credit or financial**
19 **services relationship with, or to otherwise discriminate in the provision of credit or**
20 **financial services against a person or trade association solely because such person or trade**
21 **association is engaged in the lawful commerce of firearms or ammunition products and is**
22 **licensed under Chapter 44 of Title 18 of the United States Code or is a trade association.**

23 **4. A victim of unlawful discriminatory practices described in subsection 3 of this**
24 **section may bring a civil cause of action for unlawful discriminatory practices against any**
25 **person who committed the offense for actual and compensatory damages, punitive**
26 **damages, treble damages, exemplary damages, injunctive relief, and any other appropriate**
27 **civil relief.**

28 **5. A plaintiff who successfully prevails in a civil action filed under this section shall**
29 **be entitled to recover reasonable attorney's fees and all court costs.**

30 **6. A private civil cause of action filed under this section shall be filed no later than**
31 **two years after the date when the aggrieved person or trade association becomes aware of**
32 **the unlawful discriminatory practice set forth in subsection 3 of this section.**

33 **7. In addition to the other remedies provided by law, whenever the attorney general**
34 **has reason to believe that any person is engaging, has engaged, or is about to engage in any**
35 **act or practice declared unlawful by this section, the attorney general may, upon his or her**
36 **own initiative, bring an action in the name of the state against such person:**

37 **(1) To obtain a declaratory judgment that the act or practice violates the provisions**
38 **of this section;**

39 **(2) To enjoin any act or practice that violates the provisions of this section by**
40 **issuance of a temporary restraining order or preliminary or permanent injunction, without**
41 **bond, upon the giving of appropriate notice; and**

42 **(3) To recover civil penalties of up to ten thousand dollars per violation of this**
43 **section, or any injunction, judgment, or consent order issued, and reasonable expenses,**
44 **investigative costs, and attorney's fees.**

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