

2019 Regular Session

HOUSE BILL NO. 413

BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BANKS/BANKING: Provides that it shall be unlawful discrimination for a financial institution to refuse to provide services to any party because of the party's lawful engagement in commerce of firearms and ammunition

1 AN ACT

2 To enact R.S. 6:424, relative to the refusal to provide financial services; to provide
3 definitions; to prohibit the refusal of financial services to a person based solely upon
4 that person's lawful engagement in the buying or selling of firearms or ammunition;
5 to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 6:424 is hereby enacted to read as follows:

8 §424. Refusal to provide financial services; penalties

9 A. As used in this Section:

10 (1) "Financial services" means any service or product offered to the
11 consumer or business market by a bank, credit union, financial institution, payment
12 processor, savings and loan association, or trust company.

13 (2) "Payment processor" means a company that facilitates communication
14 between the bank that issued a customer's debit or credit card and the seller's bank.

15 (3) "Trade association" means any corporation, unincorporated association,
16 federation, business league, or professional or business organization not organized
17 or operated for profit and no part of the net earnings of which inures to the benefit
18 of any private shareholder or individual; that is an organization described in Section
19 501(c)(6) of Title 26 of the United States Code and exempt from tax under Section
20 501(a) of such title; and two or more members of which are manufacturers or sellers
21 of a qualified product as defined by Section 7903(4) of Title 15 of the United States
22 Code.

1 B. A bank, credit union, financial institution, payment processor, savings and
2 loan association, or trust company shall not refuse to provide financial services of
3 any kind to, refrain from continuing to provide existing financial services to,
4 terminate existing financial services with, or otherwise discriminate in the provision
5 of financial services against a person or trade association solely because such person
6 or trade association is engaged in the lawful commerce of firearms or ammunition
7 products and is licensed pursuant to Chapter 44 of Title 18 of the United States Code
8 or is a trade association.

9 C. Whenever the attorney general has reason to believe that any person is
10 engaging, has engaged, or is about to engage in any act or practice declared unlawful
11 by the Section, the attorney general shall, upon written request or by his own
12 initiative, investigate and, upon finding a probable violation of this Section, bring an
13 action in the name of the state against such person to:

14 (1) Obtain a declaratory judgment that the act or practice violates the
15 provisions of this Section.

16 (2) Enjoin any act or practice that violates the provisions of this Section by
17 issuance of a temporary restraining order or preliminary or permanent injunction,
18 without bond, upon the giving of appropriate notice.

19 (3) Recover civil penalties of up to ten thousand dollars per violation of this
20 Section and reasonable expenses, investigative costs, and attorney fees.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 413 Original

2019 Regular Session

Miguez

Abstract: Prohibits a bank, credit union, financial institution, payment processor, savings and loan association, or trust company from refusing to provide financial services to a person or trade association solely because the person or trade association is involved in the lawful commerce of firearms or ammunition.

Proposed law defines "financial services", "payment processor", and "trade association" as used in proposed law.

Proposed law prohibits a bank, credit union, financial institution, payment processor, savings and loan association, trust company from refusing to provide financial services to, refrain from continuing to provide existing financial services, terminate existing financial services with, or otherwise discriminate in the provision of financial services against a person or trade association solely because the person or association is engaged in the lawful commerce of firearms or ammunition and is licensed pursuant to present law.

Proposed law provides for the attorney general to seek a declaratory judgment, preliminary or permanent injunction, and penalties of up to \$10,000 per violation of proposed law as well as expenses, investigative costs, and attorney fees.

(Adds R.S. 6:424)