

1 AN ACT relating to unlawful discriminatory practices.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 4 of this Act:*

6 *(1) "Ammunition" has the same meaning as in KRS 237.060;*

7 *(2) "Financial institution" means any person doing business under the laws of any*
8 *state or commonwealth or the United States relating to banks, bank holding*
9 *companies, savings banks, payment processors, savings and loan associations,*
10 *trust companies, or credit unions;*

11 *(3) "Firearm" has the same meaning as in KRS 237.060;*

12 *(4) "Firearm accessory" means a device specifically designed or adapted to enable*
13 *the wearing or carrying about one's person, or the storage or mounting in or on a*
14 *conveyance, of a firearm, or an attachment or device specifically designed or*
15 *adapted to be inserted into or affixed onto a firearm to enable, alter, or improve*
16 *the functioning or capabilities of the firearm;*

17 *(5) "Government entity" means any federal, state, or local government entity,*
18 *agency, or instrumentality, including any county, city, municipal corporation,*
19 *urban-county government, charter county government, consolidated local*
20 *government, unified local government, special district, special purpose*
21 *governmental entity, public school district, or public institution of education; and*

22 *(6) "Trade association" means any person, corporation, unincorporated association,*
23 *federation, business league, or professional or business organization:*

24 *(a) Not organized or operated for profit and for which no part of its net*
25 *earnings inures to the benefit of any private shareholder or individual;*

26 *(b) That is an organization described in 26 U.S.C. sec. 502(c)(6) and exempt*
27 *from tax under 26 U.S.C. sec. 501(a); and*

1 (c) That has two (2) or more members that are manufacturers or sellers of
 2 firearms, firearms accessories, or ammunition.

3 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
 4 READ AS FOLLOWS:

5 (1) It shall be an unlawful discriminatory practice for a financial institution or
 6 government entity to:

7 (a) Refuse to engage in the trade of any goods or services with;

8 (b) Refrain from continuing an existing business relationship with;

9 (c) Terminate an existing business relationship with; or

10 (d) Otherwise discriminate against;

11 a manufacturer, retailer, or distributor of firearms, firearms accessories, or
 12 ammunition; a shooting range; or a trade association because the manufacturer,
 13 retailer, distributor, shooting range, or trade association supports or is engaged
 14 in the lawful commerce of firearms, firearms accessories, or ammunition
 15 products.

16 (2) (a) It shall not be a violation of subsection (1) of this section for a financial
 17 institution to:

18 1. Refuse to provide;

19 2. Refrain from continuing to provide;

20 3. Terminate; or

21 4. Otherwise discriminate in the provision of;

22 financial services with a manufacturer, retailer, distributor, shooting range,
 23 or trade association identified in subsection (1) of this section for any
 24 business reason or due to a directive by a regulator.

25 (b) A business reason shall not mean a policy of refusing to provide financial
 26 services or otherwise discriminate in the provision of financial services to a
 27 manufacturer, retailer, distributor, shooting range, or trade association

1 identified in subsection (1) of this section.

2 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) A victim of an unlawful discriminatory practice under Section 2 of this Act may
5 bring a civil cause of action against the financial institution or government entity
6 for the unlawful discriminatory practice. Remedies may include:

7 (a) Actual and compensatory damages;

8 (b) Treble damages;

9 (c) Exemplary damages;

10 (d) Injunctive relief; and

11 (e) Any other appropriate civil relief.

12 (2) A plaintiff who prevails in a civil action filed pursuant to this section shall be
13 entitled to recover reasonable attorney fees and all court costs.

14 (3) A civil cause of action filed pursuant to this section shall be filed no later than
15 two (2) years after the date when the victim became aware of the unlawful
16 discriminatory practice.

17 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) The Attorney General may file a civil cause of action in District Court in the
20 name of the Commonwealth against a financial institution or government entity
21 believed to be engaging in or have previously engaged in an unlawful
22 discriminatory practice under Section 2 of this Act to:

23 (a) Obtain a declaratory judgment that the act or practice violates Section 2 of
24 this Act;

25 (b) Enjoin any act or practice that violates Section 2 of this Act by seeking a
26 temporary restraining order or preliminary or permanent injunction,
27 without bond, upon the giving of appropriate notice; or

1 (c) Recover civil penalties of up to ten thousand dollars (\$10,000) per violation
2 of Section 2 of this Act.

3 (2) If the Attorney General prevails in any action filed under this section, the court
4 shall award, in addition to any other remedies, reasonable attorney's fees,
5 investigative costs, and litigation costs to the Attorney General.

6 (3) The Attorney General shall recommend to the Governor a discontinuation of
7 state business relations with any financial institution or government entity found
8 to be in violation of Section 2 of this Act.