

HOUSE BILL NO. HB0236

Firearms transactions-financial discrimination.

Sponsored by: Representative(s) Washut, Burkhart, Jennings,
Laursen and Wharff and Senator(s) Hutchings
and Landen

A BILL

for

1 AN ACT relating to banks, banking and finance; prohibiting
2 financial institutions from discriminating against firearms
3 businesses; specifying civil remedies; providing for
4 attorneys fees and costs for a successful action; providing
5 a statute of limitations on civil actions; providing for
6 potential loss of state business to a financial institution
7 found to have violated this act; and providing for an
8 effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 13-10-301 through 13-10-303 is
13 created to read:

14

15

ARTICLE 3

1 UNLAWFUL DISCRIMINATION

2

3 **13-10-301. Definitions.**

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5 (a) As used in this article:

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7 (i) "Ammunition" means one (1) or more loaded
8 cartridges consisting of a primed case, propellant and with
9 or without one (1) or more projectiles;

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11 (ii) "Discriminate" means to:

12

13 (A) Refuse to engage in the trade of any
14 goods or services;

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16 (B) Refrain from continuing an existing
17 business relationship;

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19 (C) Terminate an existing business
20 relationship;

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22 (D) Otherwise unlawfully discriminate
23 against a person.

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2 (iii) "Financial institution" means any person
3 who does business under the laws of a state or commonwealth
4 or the United States relating to a bank, bank holding
5 company, savings bank, payment processor, savings and loan
6 association, trust company or credit union;

7

8 (iv) "Firearm" means a weapon that expels a
9 projectile by the action of an explosive;

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11 (v) "Firearm accessory" means both:

12

13 (A) A device that is specifically designed
14 or adapted to enable a person to wear or carry a firearm on
15 the person or to store or mount a firearm in or on a
16 conveyance;

17

18 (B) An attachment or device that is
19 specifically designed or adapted to be inserted into or
20 affixed onto a firearm to enable, alter or improve the
21 functioning or capabilities of the firearm.

22

1 (vi) "Firearm entity" means all of the
2 following:

3
4 (A) A firearm, firearm accessory or
5 ammunition manufacturer, retailer and distributor;

6
7 (B) A shooting range;

8
9 (C) A trade association.

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11 (vii) "Trade association" means any person,
12 corporation, unincorporated association, federation,
13 business league or professional or business organization
14 that:

15

16 (A) Is not organized or operated for profit
17 and for which no part of its net earning inures to the
18 benefit of any private shareholder or individual;

19

20 (B) Is an organization described in section
21 501(c)(6) of the Internal Revenue Code and is exempt from
22 tax pursuant to section 501(a) of the Internal Revenue
23 Code;

1

2 (C) Has two (2) or more members who are
3 firearm, firearm accessory or ammunition manufacturers or
4 sellers.

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6 **13-10-302. Unlawful discrimination against a firearm**
7 **entity; exception.**

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9 (a) A financial institution shall not discriminate
10 against a firearm entity because the firearm entity
11 supports or is engaged in the lawful commerce of firearms,
12 firearm accessories or ammunition products.

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14 (b) This section does not apply to a financial
15 institution that chooses not to provide services to a
16 firearm entity for a legitimate business reason or due to a
17 directive by a regulator. For the purposes of this
18 subsection, "business reason" does not include a policy of
19 refusing to provide financial services or otherwise
20 discriminating when providing financial services to a
21 firearm entity.

22

1 **13-10-303. Remedies; attorney general notice; statute**
2 **of limitation.**

3
4 (a) A person who is injured by a violation of this
5 article may bring a civil action against the financial
6 institution. A court of competent jurisdiction shall award
7 the successful party reasonable attorney fees and costs.
8 The court may award the successful party any of the
9 following:

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11 (i) Actual and compensatory damages;

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13 (ii) Treble damages;

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15 (iii) Punitive or exemplary damages;

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17 (iv) Injunctive relief;

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19 (v) Any other appropriate civil relief.

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21 (b) The attorney general may file a civil action for
22 a violation of this article. The attorney general may
23 request the court to do any of the following:

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2 (i) Issue a declaratory judgment for an act or
3 practice that violates this article;

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5 (ii) Enjoin any act or practice that violates
6 this article by issuing a temporary restraining order or
7 preliminary or permanent injunction, without a bond, after
8 providing appropriate notice;

9

10 (iii) In the event of repeated discrimination or
11 failure to adhere to the financial institution's own
12 antidiscrimination policy, impose a civil penalty that does
13 not exceed ten thousand dollars (\$10,000.00) per violation
14 of this article.

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16 (c) If the attorney general prevails on an action
17 filed pursuant to subsection (b) of this section, a court's
18 order for relief, in addition to any other remedies, may
19 include any relief sought under subsection (b) of this
20 section and shall include an award to the attorney general
21 for reasonable attorney fees and investigative and
22 litigation costs.

23

1 (d) The attorney general shall submit the name of any
2 financial institution that has violated this article to the
3 governor and request that the state terminate any business
4 relationship with the financial institution.

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6 (e) Any civil action shall be commenced within not
7 more than two (2) years after the date that the violation
8 is discovered or should reasonably have been discovered.

9

10 **Section 2.** This act is effective July 1, 2021.

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(END)