SENATE BILL NO. 176

INTRODUCED BY K. BOGNER, B. BEARD, J. FULLER, C. GLIMM, T. MANZELLA, M. REGIER

A BILL FOR AN ACT ENTITLED: “AN ACT PROHIBITING DISCRIMINATION CONCERNING FIREARMS IN INSURANCE AND FINANCIAL MATTERS; PROVIDING A LEGISLATIVE STATEMENT OF PURPOSE REGARDING IMPLEMENTATION OF THE MONTANA CONSTITUTION BY THIS ACT; PROVIDING DEFINITIONS; AND PROVIDING AN APPLICABILITY DATE.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 through 9] is to prohibit discrimination against individuals, groups, associations, or businesses in matters concerning firearms, insofar as any discrimination may involve finance, lending, credit, and insurance and concerning the manufacture, distribution, sale, possession of, or advocacy for firearms, firearm ammunition, or firearm accessories.

NEW SECTION. **Section 2. Legislative findings.** The legislature finds as follows:

(1) the right to keep or bear arms is a natural right that the people have memorialized and reserved to themselves under Article II, section 12, of the Montana constitution;

(2) the right to keep or bear arms is a fundamental and individual right of all law-abiding adults;

(3) discrimination because of civil or political rights is prohibited by Article II, section 4, of the Montana constitution; and

(4) the right to keep or bear arms is a civil or political right within the meaning of Article II, section 4, of the Montana constitution.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 9], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Ammunition" means projectiles for firearms, cartridge cases, small arms primers, propellant, and any combination of these items.

(2) "Certificate of nondiscrimination" means a document signed by a responsible party certifying that a person or entity does not now and will not in the future discriminate against a person or entity because of firearms. The term may also include a paragraph in a binding contract with a person or entity certifying that a person or entity does not now and will not in the future discriminate against a person or entity because of firearms.

(3) (a) "Entity" means a business, corporation, nonprofit corporation, partnership, limited liability company, association, or other business venture.

(b) The term does not include an individual or sole proprietorship.

(4) "Firearm" means a device intended and designed to expel one or multiple projectiles by the action of air pressure, spring power, or chemical combustion of a propellant.

(5) "Firearms accessories" means any parts that may be attached to or used with firearms, including but not limited to scopes and other aiming devices, stocks, magazines, slings, parts to repair or improve firearms, written materials about firearms, computer code to make firearms or firearm parts, and other parts.

NEW SECTION. **Section 4. Discrimination concerning firearms prohibited.** Discrimination because of an individual's possession of firearms or firearms accessories is prohibited and violates Article II, section 4, of the Montana constitution and its bar on discrimination because of the exercise of civil or political rights.

NEW SECTION. **Section 5. Nondiscrimination in insurance and financial matters.** A person or an entity that offers insurance, reinsurance, or insurance services or a financial entity that offers financial services and is seeking license or permission to do business in the state must, on application for license or permission, provide the secretary of state with a certificate of nondiscrimination. An application without a certificate of nondiscrimination is incomplete and may not be processed or accepted.

NEW SECTION. **Section 6. Public records.** The certificates of nondiscrimination required under [sections 1 through 9] are public records and must be available for inspection by any member of the public

during normal business hours.

NEW SECTION. **Section 7. Prohibition -- penalty -- enforcement.** An entity operating in conflict with [sections 1 through 9] violates the state policy of nondiscrimination. For each violation, an entity or its principal may be fined an amount not to exceed $5,000. Each day a violation occurs or continues is a separate offense. The attorney general or a county attorney may seek orders from a district court to enforce the provisions of [sections 1 through 9].

NEW SECTION. **Section 8. Exclusion for employment.** [Sections 1 through 9] do not apply to an employer and employee contract or to workplace policies adopted by an employer.

NEW SECTION. **Section 9. Private enforcement.** A person injured because of a violation of [sections 1 through 9] may bring suit in district court seeking injunctive relief, compensatory damages, punitive damages, and other orders of the court to enforce the provisions of [sections 1 through 6]. A plaintiff who prevails in the suit must be awarded court costs and reasonable attorney fees.

NEW SECTION. **Section 10. Codification instruction.** [Sections 1 through 9] are intended to be codified as an integral part of Title 30, chapter 20, and the provisions of Title 30, chapter 20, apply to [sections 1 through 9].

NEW SECTION. **Section 11. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 12. Applicability.** [This act] applies to agreements and contracts entered into by the state on or after [the effective date of this act].

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