

SENATE FILE NO. SF0105

Wyoming Second Amendment Financial Privacy Act.

Sponsored by: Senator(s) Laursen, D, Biteman, Bouchard,  
French, Ide, Salazar and Steinmetz and  
Representative(s) Bear, Haroldson, Heiner,  
Knapp, Locke, Rodriguez-Williams, Slagle and  
Ward

A BILL

for

1 AN ACT relating to the administration of government;  
2 prohibiting disclosure or use of protected information  
3 relating to firearms and ammunition sales as specified;  
4 providing exceptions; providing requirements for  
5 disclosure; authorizing civil actions; providing  
6 definitions; and providing for an effective date.

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

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10 **Section 1.** W.S. 1-39-122 and 9-14-301 through  
11 9-14-304 are created to read:

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13 **1-39-122. Liability; financial privacy.**

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1 A governmental entity is liable for damages resulting from  
2 a violation of W.S. 9-14-303 caused by the negligent,  
3 reckless or intentional acts of public employees while  
4 acting within the scope of their duties.

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6

## ARTICLE 3

7

## SECOND AMENDMENT FINANCIAL PRIVACY ACT

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**9-14-301. Short title.**

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11 This article shall be known and may be cited as the "Second  
12 Amendment Financial Privacy Act."

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**9-14-302. Definitions.**

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(a) As used in this act:

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(i) "Assign" or "assignment" means a policy,  
process or practice that labels, links or otherwise  
associates a firearms or ammunition code with a merchant or  
payment card transaction in a manner that allows any entity  
facilitating or processing the payment card transaction to  
identify whether a merchant is a firearms retailer or

1 whether a transaction involves the sale or purchase of  
2 firearms or ammunition;

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4 (ii) "Customer" means any person engaged in a  
5 payment card transaction;

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7 (iii) "Disclosure" means the transfer,  
8 publication or distribution of protected financial  
9 information to another person or entity for any purpose  
10 other than to process or facilitate a payment card  
11 transaction;

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13 (iv) "Financial record" means a financial record  
14 held by a merchant servicer related to a payment card  
15 transaction that the merchant servicer has processed or  
16 facilitated;

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18 (v) "Firearms code" means any code or other  
19 indicator that a merchant servicer assigns to a merchant or  
20 to a payment card transaction that identifies whether a  
21 merchant is a firearms retailer or whether the payment card  
22 transaction involves the purchase of a firearm, firearm  
23 accessories or ammunition. The term "firearms code"

1 includes, but is not limited to, a merchant category code  
2 assigned to a retailer by a payment card network or other  
3 merchant servicer;

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5 (vi) "Firearms retailer" means any person  
6 engaged in the lawful business of selling or trading  
7 firearms or ammunition to be used in firearms;

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9 (vii) "Government entity" means any county or  
10 municipality, or state board, commission, agency, bureau,  
11 department or any other political subdivision of the state;

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13 (viii) "Protected financial information" means  
14 any record of a sale, purchase, return or refund involving  
15 a payment card that is retrieved, characterized, generated,  
16 labeled, sorted or grouped based on the assignment of a  
17 firearms code;

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19 (ix) "Merchant category code" means  
20 classification codes assigned by a merchant processor to  
21 merchants or payees that accept its payment cards to  
22 classify the goods or services provided or furnished by a  
23 merchant or payee;

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2 (x) "Merchant servicer" means a payment  
3 settlement entity, merchant acquiring entity or third party  
4 settlement organization as defined by 26 U.S.C. 6050W or  
5 any other entity that specifically assigns a merchant  
6 category code for use in a payment card transaction;

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8 (xi) "This act" means W.S. 9-14-301 through  
9 9-14-304.

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11 **9-14-303. Prohibitions on data collection and use.**

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13 (a) No state governmental agency or local government,  
14 special district or other political subdivision or  
15 official, agent or employee of the state or other  
16 governmental entity or any other person, public or private,  
17 shall knowingly or willfully keep or cause to be kept any  
18 list, record or registry of privately owned firearms or any  
19 list, record or registry of the owners of those firearms  
20 created or maintained through the use of a firearms code.  
21 This subsection shall not apply to any financial  
22 institution that is not a merchant servicer or to any  
23 record maintained in the ordinary course of business of any

1 financial institution or federal firearm licensee as  
2 required by 18 U.S.C. 922.

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4 (b) No merchant servicer shall require the usage of  
5 or assign a firearms code or other merchant category code  
6 to any merchant located in Wyoming that is a seller of  
7 firearms, firearm accessories or ammunition.

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9 (c) Nothing in this act shall be construed to  
10 prohibit or prevent accurate firearm record keeping for any  
11 firearm involved in a law enforcement investigation, or any  
12 firearm lawfully seized or collected pursuant to a law  
13 enforcement investigation.

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15 **9-14-304. Civil actions.**

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17 (a) The attorney general may investigate alleged  
18 violations of this act and, upon finding a violation, shall  
19 provide written notice to any person or entity, public or  
20 private, believed to be in violation of this act. Upon  
21 receipt of written notice from the attorney general, the  
22 person or entity shall have thirty (30) days to cease the

1 usage of a firearms, firearm accessories or ammunition  
2 merchant code for any Wyoming merchant.

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4 (b) If the person or entity fails to cease the usage  
5 of a firearms, firearm accessories or ammunition merchant  
6 code for any merchant located in Wyoming after the  
7 expiration of thirty (30) days from the receipt of the  
8 written notice by the attorney general's office, the  
9 attorney general may pursue an injunction against any  
10 person or entity, public or private, alleged to be in  
11 violation of this act. A court may order an injunction, in  
12 addition to any other relief, as the court may consider  
13 appropriate.

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15 (c) It shall not be a defense to a civil action filed  
16 under this act that information was disclosed to a federal  
17 government entity unless the disclosure or action is  
18 required by federal law or regulation.

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20 **Section 2.** W.S. 1-39-104(a) is amended to read:

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22 **1-39-104. Granting immunity from tort liability;**  
23 **liability on contracts; exceptions.**

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2 (a) A governmental entity and its public employees  
3 while acting within the scope of duties are granted  
4 immunity from liability for any tort except as provided by  
5 W.S. 1-39-105 through 1-39-112 and 1-39-122. Any immunity  
6 in actions based on a contract entered into by a  
7 governmental entity is waived except to the extent provided  
8 by the contract if the contract was within the powers  
9 granted to the entity and was properly executed and except  
10 as provided in W.S. 1-39-120(b). The claims procedures of  
11 W.S. 1-39-113 apply to contractual claims against  
12 governmental entities.

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14 **Section 3.** This act is effective July 1, 2024.

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(END)