

BILL ANALYSIS

Senate Research Center
78R4231 SGA-D

S.B. 350
By: Armbrister
Jurisprudence
2/20/2003
As Filed

DIGEST AND PURPOSE

The United States Constitution confers to an individual or group the opportunity to full and equal privileges and services in all public businesses and establishments, regardless of gender, race, color, religion, national origin, or physical disability. Members of a club, organization, or social group do not necessarily receive the same equal protection as racial and religious group members. Some feel that certain groups experience discrimination, in particular motorcycle enthusiasts who often adopt a common dress which readily identifies them as members of a group or club.

As proposed, S.B. 350 prohibits an establishment, normally accessed by the general public for certain accommodations, from denying access or admission to group members, because said members operate a motorcycle or wear clothing that displays the name of an organization or association that operates motorcycles. This bill provides for a cause of action if accommodations are denied based on apparel or clothing which displays the name of an organization or association identifying them as motorcycle operators.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 100, as follows:

CHAPTER 100. PUBLIC ACCOMMODATIONS

Sec. 100.001. DEFINITION. Defines “public accommodation.”

Sec. 100.002. EQUAL ACCESS GUARANTEED. (a) Prohibits a person that owns or operates a public accommodation from restricting an individual from access or admission to the accommodation or otherwise prevent the individual from using the accommodation based solely on certain factors.

(b) Provides that this section does not prohibit a person that owns or operates a public accommodation from denying to an individual access or admission to or use of the accommodation under certain circumstances.

(c) Provides that this section does not prevent the owner or operator of a public accommodation from prohibiting the parking of a motorcycle in a vehicle parking space if on the owner’s property the owner also provides a reasonably located area designated for motorcycle parking.

Sec. 100.003. INJUNCTIVE RELIEF; DAMAGES. (a) Authorizes a court to enjoin a violation of this chapter on application of any person.

(b) Authorizes a person who is injured by a violation of this chapter to bring a cause of action for injunctive relief under Subsection (a), or for damages, or for both injunctive relief and damages. Authorizes the person in an action for damages to recover actual damages incurred by the person, if any, and exemplary damages in an amount not to exceed \$500.

(c) Provides that a person who brings an action under Subsection (a) or (b) and who prevails in the action is entitled to reasonable attorney's fees and court costs.

Sec. 100.004. EXEMPTIONS. (a) Provides that this chapter does not apply to a private or independent institution of higher education, as that term is defined by Section 61.003, Education Code.

(b) Provides that this chapter does not apply to a student while attending a private or public middle school, junior high school, or high school, or an activity or event sponsored by such a school.

Sec. 100.005. REMEDIES CUMULATIVE. Provides that the remedies established under this chapter are cumulative of any other rights or remedies established by law.

SECTION 2. Effective date: September 1, 2003.

SECTION 3. Makes application of this Act prospective.