

By: Thompson

H.B. No. 706

A BILL TO BE ENTITLED

AN ACT

relating to equal access to places of public accommodation.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 98 to read as follows:

CHAPTER 98. PUBLIC ACCOMMODATIONS

Sec. 98.001. DEFINITION. In this chapter, "public accommodation" means a business or other entity that offers to the general public food, shelter, recreation, or amusement, or any other goods, service, privilege, facility, or accommodation.

Sec. 98.002. EQUAL ACCESS GUARANTEED. (a) A person that owns or operates a public accommodation may not restrict an individual from access or admission to the accommodation or otherwise prevent the individual from using the accommodation solely:

(1) because of the race, creed, sex, religion, or national origin of the individual; or

(2) because the individual:

(A) operates a motorcycle;

(B) is a member of an organization or association that operates motorcycles; or

(C) wears clothing that displays the name of an organization or association.

(b) This section does not prohibit a person that owns or

1 operates a public accommodation from denying to an individual  
2 access or admission to or use of the accommodation if:

3 (1) the conduct of the individual poses a risk to the  
4 health or safety of another person or a risk to the safety of  
5 another person's property; or

6 (2) the person's clothing does not conform with a dress  
7 code that is:

8 (A) in effect at the public accommodation;

9 (B) stated clearly; and

10 (C) not designed to exclude a particular  
11 individual or group of individuals.

12 (c) This section does not prevent the owner or operator of a  
13 public accommodation from prohibiting the parking of a motorcycle  
14 in a vehicle parking space if on the owner's property the owner also  
15 provides a reasonably located area designated for motorcycle  
16 parking.

17 Sec. 98.003. INJUNCTIVE RELIEF; DAMAGES. (a) On  
18 application of any person, a court may enjoin a violation of this  
19 chapter.

20 (b) A person who is injured by a violation of this chapter  
21 may bring a cause of action for injunctive relief under Subsection  
22 (a), or for damages, or for both injunctive relief and damages. In  
23 an action for damages, the person may recover:

24 (1) actual damages incurred by the person, if any; and

25 (2) exemplary damages in an amount not to exceed \$500.

26 (c) A person who brings an action under Subsection (a) or  
27 (b) and who prevails in the action is entitled to reasonable

1 attorney's fees and court costs.

2 Sec. 98.004. EXEMPTIONS. (a) This chapter does not apply  
3 to a private or independent institution of higher education, as  
4 that term is defined by Section 61.003, Education Code.

5 (b) This chapter does not apply to a student while  
6 attending:

7 (1) a private or public middle school, junior high  
8 school, or high school; or

9 (2) an activity or event sponsored by a school  
10 described by Subdivision (1).

11 Sec. 98.005. REMEDIES CUMULATIVE. The remedies established  
12 under this chapter are cumulative of any other rights or remedies  
13 established by law.

14 SECTION 2. This Act applies only to a cause of action that  
15 accrues on or after the effective date of this Act. A cause of  
16 action that accrues before the effective date of this Act is  
17 governed by the law as it existed immediately before the effective  
18 date of this Act and that law is continued in effect for that  
19 purpose.

20 SECTION 3. This Act takes effect September 1, 2007.