

## **BILL ANALYSIS**

H.B. 1569  
By: Thompson  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND 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. Certain groups experience discrimination; in particular, motorcycle enthusiasts who often adopt a common dress that readily identifies them as members of a group or club.

H.B. 1569 prohibits a person who owns or operates a public accommodation from restricting an individual's access or admission to or use of the accommodation solely because the individual operates a motorcycle, is a member of an organization or association that operates motorcycles, or wears clothing that displays the name of an organization or association. The bill provides for a cause of action if accommodations are denied based on the above criteria.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1569 amends the Civil Practice and Remedies Code to prohibit a person who owns or operates a public accommodation from restricting an individual's access or admission to or use of the accommodation solely because of the individual's race, creed, sex, religion, or national origin, or because the individual operates a motorcycle, is a member of an organization or association that operates motorcycles, or wears clothing that displays the name of an organization or association. The bill does not prohibit a person that owns or operates a public accommodation from denying an individual access or admission to or use of the accommodation if the conduct of the individual poses a risk to the health or safety of another person or a risk to the safety of another person's property, or if the person's clothing does not conform with a dress code that is in effect at the public accommodation, is stated clearly, and is not designed to exclude a particular individual or group of individuals. The bill 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.

H.B. 1569 authorizes a court, on application of any person, to enjoin a violation of these provisions. The bill authorizes a person who is injured by such a violation to bring a cause of action for injunctive relief, for damages, or for both injunctive relief and damages. The bill authorizes a person in an action for damages to recover actual damages incurred, if any, and exemplary damages in an amount not to exceed \$500. The bill entitles a person who brings an action and who prevails to reasonable attorney's fees and court costs. The bill provides that these remedies are cumulative of any other rights or remedies established by law.

H.B. 1569 exempts from its provisions a private or independent institution of higher education. The bill exempts from its provisions a student attending a private or public middle school, junior high school, or high school, or an activity or event sponsored by a school.

H.B. 1569 defines "public accommodation" as 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.

**EFFECTIVE DATE**

September 1, 2009.