

By: Longoria

H.B. No. 1377

A BILL TO BE ENTITLED

AN ACT

relating to a restriction on certain accommodations in accessible hotel guest rooms; providing a civil penalty.

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

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. ACCOMMODATIONS IN ACCESSIBLE HOTEL GUEST ROOMS

Sec. 769.001. DEFINITION. In this chapter, "hotel" means a building in which members of the public obtain sleeping accommodations for consideration, including a hotel, motel, tourist home, tourist house, tourist court, hostel, lodging house, rooming house, or inn. The term does not include:

(1) a hospital, sanitarium, or nursing home; or

(2) a building in which all or substantially all of the occupants have the right to use or possess their sleeping accommodations for at least 28 consecutive days.

Sec. 769.002. RESTRICTION ON CERTAIN ACCOMMODATIONS. An owner or operator of a hotel may not offer for rent in this state a room in the owner's or operator's hotel that is designated as an accessible hotel guest room in compliance with the federal Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.) unless the height of each bed in the room is not more than 19.5 inches, measured from the floor to the top surface of the mattress.

Sec. 769.003. CIVIL PENALTY. (a) A person who violates

1 this chapter is subject to a civil penalty of:

2 (1) not less than \$500 or more than \$3,000 for the
3 first violation;

4 (2) not less than \$1,500 or more than \$4,000 for the
5 second violation;

6 (3) not less than \$2,500 or more than \$5,000 for the
7 third violation; and

8 (4) \$5,000 for each subsequent violation.

9 (b) Each day the violation continues or occurs constitutes a
10 separate violation for the purposes of assessing a civil penalty
11 under this section.

12 (c) In determining the amount of the civil penalty, the
13 court hearing the matter shall consider:

14 (1) the person's history of previous violations;

15 (2) the seriousness of the violation;

16 (3) the amount necessary to deter future violations;

17 (4) the demonstrated good faith of the person charged;

18 and

19 (5) any other matter as justice may require.

20 (d) The attorney general or the appropriate district or
21 county attorney, in the name of the state, may bring an action under
22 this section in a district court of Travis County or of a county in
23 which the violation occurs.

24 (e) A civil penalty recovered in a suit instituted by a
25 local government under this chapter shall be paid to the local
26 government.

27 (f) The attorney general or the appropriate district or

1 county attorney may recover reasonable expenses, including
2 investigative costs, reasonable attorney's fees, witness fees, and
3 deposition expenses, incurred in obtaining a civil penalty under
4 this section.

5 SECTION 2. This Act takes effect September 1, 2015.