

## BILL ANALYSIS

Senate Research Center

H.B. 259  
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Business & Commerce  
5/6/2001  
Engrossed

### 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. H.B. 259 prohibits an establishment, normally accessed by the general public for certain accommodations, from denying access or admission to group members because they operate a motorcycle or wear clothing that displays the name of an organization or association that operates motorcycles.

### 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 91, as follows:

#### CHAPTER 91. PUBLIC ACCOMMODATIONS

Sec. 91.001. DEFINITION. Defines “public accommodation.”

Sec. 91.002. 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 solely because of the race, creed, sex, religion, or national origin of the individual 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.

(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 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 the person's clothing does not conform with a dress code that is in effect at the public accommodation; stated clearly and not designed to exclude a particular individual or group of individuals.

Sec. 91.003. INJUNCTIVE RELIEF; DAMAGES. (a) Authorizes a court, on application of any person, to enjoin a violation of this chapter.

(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 a 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 \$5,000.

(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. 91.004. 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 a school described by Subdivision (1).

Sec. 91.005. 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, 2001.

SECTION 3. Makes application of this Act prospective.