

SUBJECT: Equal access to public accommodation for motorcycle riders

COMMITTEE: Civil Practices — committee substitute recommended

VOTE: 6 ayes — Bosse, Alvarado, Dutton, Hope, Smithee, Zbranek
2 nays — Janek, Nixon
1 absent — Goodman

WITNESSES: For — H. W. “Sputnik” Strain, Texas Motorcycle Rights Association; Mary Stephens; Bill Ley
Against — None

DIGEST: CSHB 2482 would guarantee equal access to places of public accommodation for an individual who operates a motorcycle, is a member of a motorcycle organization, or wears clothing that displays the name of an organization or association.

Persons owning or operating places of public accommodation could deny admission or refuse accommodation if the conduct of the individual posed a risk to the property or another person or if the person’s clothing did not conform to a clearly-stated uniform dress code in operation at the place of public accommodation. The dress code could not be designed to exclude a particular individual or group of individuals.

A person denied equal access could receive injunctive relief from a court or could file a suit to recover actual damages and exemplary damages up to \$5,000. A successful claimant also could recover reasonable attorney’s fees and court costs.

The bill would define a place of public accommodation to include any business or other entity that offers to the general public food, shelter, recreation, amusement, or any other goods, service, privilege, facility, or accommodation. Public or independent institutions of higher education would not be covered under CSHB 2482.

CSHB 2482 would take effect September 1, 1999 and would apply to causes of action that accrue on or after that date.

**SUPPORTERS
SAY:**

Motorcycle riders are one of the last groups that people generally think it is acceptable to discriminate against. Motorcyclists are not specifically covered under the Civil Rights Act allowing equal access to public accommodations. Discrimination against motorcyclists is often prevalent at restaurants, hotels, motels, and parks. While racial and religious groups constitute protected classes, Texas law at present does not include individuals who are members of clubs, organizations, or social groups as a protected class.

Just like racial or ethnic discrimination, the attitudes held against motorcycle riders are based entirely on appearance without regard to the person riding the motorcycle. Nearly all motorcycle riders are upstanding members of the community who enjoy the outdoors and traveling across this state. In order to travel, riders need to be assured that they will not be rejected from public places simply because of their appearance.

This legislation is not intended to allow motorcyclists to bring frivolous lawsuits or obtain windfall judgments, but simply to make those who own these public places aware that motorcyclists deserve the same level of acceptance as all others. This legislation would protect the civil rights and the freedom of association of motorcyclists as guaranteed by the First Amendment.

CSHB 2482 would ensure that the owners of public accommodations still could restrict access to someone whom they knew posed a risk to the property or to another person. It also would ensure that valid dress codes could be enforced in public places.

**OPPONENTS
SAY:**

Access to public accommodations is guaranteed under Title II of the Civil Rights Act of 1964, 42 U.S.C. §2000a. Discrimination is prohibited on the basis of race, color, religion, or national origin. Adding another cause of action to state law for a very specific class of citizens, no matter how innocuous, might affect the law relating to public accommodations.

Private businesses have the right to refuse service so long as their refusal is not in violation of the Civil Rights Act. Allowing this addition to state law would

interfere with the rights of private business people to conduct their business in the way they see fit.

The clothing provision in this bill is vague and broad. It could apply to anyone from Girl Scouts to gang members and could increase the likelihood of a business owner being sued for denying access to someone unless the owner knew that person would pose a risk at the time access was denied.

NOTES:

The committee substitute to HB 2486 added an exemption for private or independent institutions of higher education.