

## **BILL ANALYSIS**

Senate Research Center  
77R1954 SGA-F

S.B. 287  
By: Armbrister  
Business & Commerce  
2/2/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, Texas law does not include individuals who are members of clubs, organizations, and social groups as a protected class, as it does racial and religious groups, among others. As proposed, S.B. 287 provides equal access to accommodations for members of a club, organizations or a social group, whose membership in such an organizations may be distinguished by their apparel or means of transportation.

### **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 Practices 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 preventing the individual from using the accommodation solely because the individual meets certain criteria.

(b) States that the act 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 certain criteria are met.

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. Provides that a person may recover, in an action for damages, actual damages and limited exemplary damages.

(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. EXEMPTION. Exempts this chapter from applying to a private or independent institution of higher education, as that term is defined by Section 61.003 (Definitions), Education Code.

SECTION 2. Effective date: September 1, 2001.

SECTION 3. Makes application of this Act prospective.