

By: Representative Franks

To: Judiciary A

HOUSE BILL NO. 897

1 AN ACT TO PROHIBIT ANY PRIVATE ESTABLISHMENT FROM
2 DISCRIMINATING AGAINST PATRONS BASED ON THEIR MODE OF
3 TRANSPORTATION OR ASSOCIATED ATTIRE, RELIGIOUS ATTIRE, OR ETHNIC
4 CLOTHING; TO DEFINE CERTAIN TERMS; TO PROVIDE EXCEPTIONS; TO
5 PROVIDE FOR CIVIL REMEDIES; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** This Act shall be known as the Mississippi Mode
8 of Transportation, Religious and Ethnic Clothing, Equal Access
9 Act.

10 **SECTION 2.** The following words and phrases shall have the
11 meanings ascribed herein, unless the context clearly indicates
12 otherwise:

13 (a) "Public Accommodation" means a business or other
14 entity that offers to the general public, food, shelter,
15 recreation, amusement, or any other goods, service, privilege,
16 facility or accommodation.

17 (b) "Attire" means any article of clothing that is
18 required or associated with:

19 (i) A particular individual's or group's means of
20 transportation;

21 (ii) Safety or health concerns arising from any
22 legal means of transportation;

23 (iii) An individual's affiliation with a fraternal
24 organization or other organized group who may travel together or
25 share a common creed; or,

26 (iv) An individual's or group's religion, race, or
27 gender.

28 **SECTION 3.** A person or entity that owns, operates or is
29 employed by a public accommodation may not restrict an individual
30 or group from access or admission to the accommodation or
31 otherwise prevent the individual or group from fully using the
32 accommodation and the amenities normally associated with such,
33 solely because of the individuals or groups:

34 (a) Mode of transportation;

35 (b) Attire which may be associated with the individuals
36 preferred mode of transportation;

37 (c) Affiliation with any fraternal organization or
38 other group engaging in their preferred mode of transportation;

39 (d) Attire that may be associated with an individual's
40 or group's religion, race, or gender.

41 **SECTION 4.** This act does not prohibit a person that owns or
42 operates a public accommodation from denying to an individual
43 access or admission to use of the accommodation if:

44 (a) The conduct of the individual poses a risk to the
45 health or safety of another person or a risk to the safety of
46 another person's property; or

47 (b) The person's clothing does not conform with a dress
48 code that is:

49 (i) In effect at the public accommodation;

50 (ii) Stated clearly; and

51 (iii) Not designed to exclude a particular
52 individual or group of individuals or a particular industry or
53 class.

54 **SECTION 5.** An individual injured by a violation of this act
55 may bring an action to recover actual damages, civil damages,
56 injunctive relief, and reasonable attorney fees based on
57 reasonable hourly billing plus cost for the violation. Civil
58 damages shall not exceed Five Thousand Dollars (\$5,000.00),
59 exclusive of attorney's fees.

60 **SECTION 6.** This act shall take effect and be in force from
61 and after July 1, 2006.