

By: Representative Franks

To: Judiciary A

HOUSE BILL NO. 1504

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 know as the Mississippi Mode of  
8 Transportation, Religious and Ethnic Clothing, Equal Access Act.

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

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

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

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

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

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

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

27 **SECTION 3.** A person or entity that owns, operates or is  
28 employed by a public accommodation may not restrict an individual

29 or group from access or admission to the accommodation or  
30 otherwise prevent the individual or group from fully using the  
31 accommodation and the amenities normally associated with such,  
32 solely because of the individuals or groups:

33 (a) Mode of transportation;

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

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

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

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

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

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

48 (i) In effect at the public accommodation;

49 (ii) Stated clearly; and

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

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

59 **SECTION 6.** This act shall take effect and be in force from  
60 and after July 1, 2005.