

By: Senator(s) Burton (By Request)

To: Judiciary, Division A

SENATE BILL NO. 2583

1 AN ACT TO PROHIBIT ANY PUBLIC ACCOMMODATION FROM
2 DISCRIMINATING AGAINST PATRONS BASED ON THEIR MODE OF
3 TRANSPORTATION OR ASSOCIATED ATTIRE, RELIGIOUS ATTIRE OR ETHNIC
4 CLOTHING; AND FOR RELATED PURPOSES.

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

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

9 **SECTION 2.** "Public accommodation" means a publicly-owned
10 entity that offers to the general public food, shelter,
11 recreation, amusement, or any other goods, service, privilege,
12 facility or accommodation. "Attire" means any article of clothing
13 that is required or associated with:

14 (a) A particular individual's or group's means of
15 transportation;

16 (b) Safety or health concerns arising from any legal
17 means of transportation;

18 (c) An individual's affiliation with a fraternal
19 organization or other organized group who may travel together or
20 share a common creed; or

21 (d) An individual's or group's religion, race or
22 gender.

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

- 29 (a) Mode of transportation;
- 30 (b) Attire which may be associated with the
- 31 individual's preferred mode of transportation;
- 32 (c) Affiliation with any fraternal organization or
- 33 other group engaging in their preferred mode of transportation;
- 34 (d) Attire that may be associated with an individual's
- 35 or group's religion, race or gender.

36 **SECTION 4.** This act does not prohibit a person that owns or

37 operates a public accommodation from denying to an individual

38 access or admission to use of the accommodation if:

- 39 (a) The conduct of the individual poses a risk to the
- 40 health or safety of another person or a risk to the safety of
- 41 another person's property; or
- 42 (b) The person's clothing does not conform with a dress
- 43 code that is:
- 44 (i) In effect at the public accommodation;
- 45 (ii) Stated clearly; and
- 46 (iii) Not designed to exclude a particular
- 47 individual or group of individuals or a particular industry or
- 48 class.

49 **SECTION 5.** An individual injured by a violation of this act

50 may bring an action to recover actual damages, civil damages,

51 injunctive relief and reasonable attorney fees based on reasonable

52 hourly billing plus cost for the violation. Such civil damages

53 shall not exceed Five Thousand Dollars (\$5,000.00), exclusive of

54 attorney's fees.

55 **SECTION 6.** This act shall take effect and be in force from

56 and after July 1, 2005.