



NATIONAL FEDERATION OF THE BLIND

MARYLAND

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Subject: Support for HB 579

To: House Health and Government Operations Committee

From: Members of the National Federation of the Blind of Maryland

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THE PROBLEM

Maryland law prohibits owners or operators of places of public accommodation from discriminating against individuals because of their race, sex, age, color, creed, national origin, marital status, sexual orientation, or disability. Yet, discrimination against these categories of individuals by owners or operators of public accommodations still persists.

PROPOSED ACTION

The Maryland General Assembly and more specifically the House, Health and Government Operations Committee should adopt HB 579, a bill to amend civil penalties that the Maryland Commission on Civil Rights is authorized to seek if the Commission finds that a respondent engaged in a discriminatory act under certain provisions of law regarding public accommodations. This legislation raises the penalties for violations to discrimination laws and authorizes payment of those penalties directly to complainants.

BACKGROUND

The National Federation of the Blind of Maryland is a self-help advocacy organization of blind persons who have banded together to promote equal rights and equal opportunities. Although this suggested legislation will apply to all covered classes, this fact sheet deals only with the problems faced by blind persons. Other organizations will explain why their constituents need this legislation.

Today, discrimination on the basis of blindness remains rampant, despite the progress made by the Americans with Disabilities Act, Title 20 of the State Government Article, and the Maryland White Cane Law.

Blind persons must be able to participate in all aspects of community life. Places of public accommodation are not limited to entertainment venues, hotels, or restaurants. Although many of these places provide luxuries, many others provide essential services. These include retail establishments, banks, insurance companies, taxi companies, and other forms of commercial transportation. Discrimination by these places has a major impact on the lives of blind persons. If a grocer does not provide a blind customer with a competent employee to assist with securing the needed items off the grocery shelves, that blind customer is a victim of discrimination and endures unnecessary personal hardship. Blind persons have also inadvertently defaulted on loans because their banks refused to provide them with accessible statements – again an act of discrimination causing undue personal hardship. If a taxi driver refuses to transport a blind person, discrimination and personal hardship occur again especially if such a refusal results in a missed medical appointment or a job interview.

Advances in technology have changed the delivery of many goods and services. Commercial establishments are relying more on customer self-service, such as kiosks, point of sale machines, and automated teller machines. Because little thought is given to developing nonvisual access in these self-service technologies, it is still too easy for businesses to ignore their responsibility to blind clients and customers. Such businesses that fail to serve blind persons today may do so without the possibility of being held accountable in a Maryland state court.

BENEFITS OF THE PROPOSED LEGISLATION

- Greater Incentives for Owners and Operators of Places of Public Accommodation to Eliminate Discriminatory Practices: The possibility of greater monetary penalties will convince owners and operators of public accommodations to comply with the law.
- Greater Economic Development: Protection of the rights of all covered classes is a win-win proposition for owners and operators of places of public accommodation. Because this legislation will eliminate discriminatory practices, more people will be able to participate in the commercial activities included as public accommodations.
- Greater Equity Under the Law: This legislation raises protections against discrimination by places of public accommodations such that monetary penalties apply to discrimination in public accommodations, housing and employment. All are equally damaging to the aggrieved parties.

CONCLUSION

This legislation is reasonable because it raises the penalties for discrimination such that these penalties become a deterrence to inclusion in public accommodations. In addition, nondiscrimination in public accommodation makes smart business sense and has economic advantages. However, those who engage in egregious or continuous violations to the law should be penalized more strenuously in order for the State to enforce its laws. This legislation does this in a common-sense way while ensuring that the very individuals who are harmed by discriminatory acts are the recipients of the remedy. Please give a favorable vote to HB 579.