
By: Senator Collins

Introduced and read first time: January 25, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 21, 1996

CHAPTER ____

1 AN ACT concerning

2 **Public Facilities - Refusal of Services - Prohibition**

3 FOR the purpose of prohibiting the owners or operators of certain facilities that are open
4 to the public and serve or accommodate the public from refusing to serve an
5 individual on the basis of the individual's mode of personal transportation, hairstyle,
6 or certain style of dress; providing that this Act does not prohibit certain owners or
7 operators from refusing to serve an individual on the basis of the individual's
8 clothing under certain circumstances; providing that this Act does not prohibit
9 certain owners or operators from adopting a certain dress code under certain
10 circumstances; making certain owners or operators who violate this Act liable in a
11 civil action to certain monetary penalties; defining a certain term; and generally
12 relating to the provision of services to individuals by owners or operators of certain
13 facilities.

14 BY adding to

15 Article - Business Regulation

16 Section 1-208

17 Annotated Code of Maryland

18 (1992 Volume and 1995 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Business Regulation**

2 1-208.

3 (A) IN THIS SECTION "OWNER" MEANS THE OWNER OR OPERATOR OF A BAR,
4 HOTEL, MOTEL, RESTAURANT, OR TAVERN THAT IS OPEN TO THE PUBLIC AND
5 SERVES OR ACCOMMODATES THE PUBLIC.

6 (B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT AN OWNER
7 FROM:

8 (1) REFUSING TO SERVE AN INDIVIDUAL IF THE CLOTHING OF THE
9 INDIVIDUAL:

10 ~~(1)~~ (I) CONTAINS A PROFANITY OR OBSCENITY IN THE FORM OF A
11 WORD OR DEPICTION; OR

12 ~~(2)~~ (II) FITS THE INDIVIDUAL IN A MANNER THAT IS INDECENT OR
13 CONSTITUTES A HEALTH HAZARD TO THE PREMISES OF THE OWNER; OR

14 (2) ADOPTING, AND UNIFORMLY APPLYING, A DRESS CODE THAT
15 CONFORMS TO THE ATMOSPHERE OF THE BAR, HOTEL, MOTEL, RESTAURANT, OR
16 TAVERN.

17 (C) AN OWNER MAY NOT REFUSE TO SERVE AN INDIVIDUAL SOLELY ON THE
18 BASIS OF THE INDIVIDUAL'S:

19 (1) MODE OF PERSONAL TRANSPORTATION;

20 (2) HAIRSTYLE; OR

21 (3) STYLE OF DRESS BECAUSE OF:

22 (I) THE TYPE OF MATERIAL THE INDIVIDUAL USES; OR

23 (II) THE PRESENCE OF AN INSIGNIA OR MARKING ON THE
24 CLOTHING OF THE INDIVIDUAL THAT DESIGNATES AN AFFILIATION OF THE
25 INDIVIDUAL WITH A CORPORATION, THE PRODUCTS OF THE CORPORATION, A
26 SOCIAL GROUP OR CLUB, OR A SPORTS TEAM OR EVENT.

27 (D) AN OWNER WHO VIOLATES THIS SECTION IS LIABLE IN A CIVIL ACTION TO
28 A COMPLAINANT FOR:

29 (1) AN AMOUNT NOT EXCEEDING \$500, IF THE OWNER HAS NOT BEEN
30 ADJUDGED TO HAVE COMMITTED ANY PRIOR VIOLATION OF THIS SECTION;

31 (2) AN AMOUNT NOT EXCEEDING \$1,000, IF THE OWNER HAS BEEN
32 ADJUDGED TO HAVE COMMITTED A PRIOR VIOLATION OF THIS SECTION DURING
33 THE 5-YEAR PERIOD ENDING ON THE DATE OF THE FILING OF THE CIVIL ACTION;
34 AND

35 (3) AN AMOUNT NOT EXCEEDING \$2,500, IF THE OWNER HAS BEEN
36 ADJUDGED TO HAVE COMMITTED TWO OR MORE VIOLATIONS OF THIS SECTION
37 DURING THE 7-YEAR PERIOD ENDING ON THE DATE OF THE FILING OF THE CIVIL
38 ACTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.