

SENATE BILL 762

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SB 278/96 - JPR

2001 Regular Session  
11r2741

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By: **Senator Mitchell**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

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A BILL ENTITLED

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

12 BY adding to

13 Article - Business Regulation

14 Section 1-210

15 Annotated Code of Maryland

16 (1998 Replacement Volume and 2000 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Business Regulation**

20 1-210.

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

24 (B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT AN OWNER  
25 FROM REFUSING TO SERVE AN INDIVIDUAL IF THE CLOTHING OF THE INDIVIDUAL:

26 (1) CONTAINS A PROFANITY OR OBSCENITY IN THE FORM OF A WORD OR  
27 DEPICTION; OR

1           (2)     FITS THE INDIVIDUAL IN A MANNER THAT IS INDECENT OR  
2 CONSTITUTES A HEALTH HAZARD TO THE PREMISES OF THE OWNER.

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

5           (1)     MODE OF PERSONAL TRANSPORTATION;

6           (2)     HAIRSTYLE; OR

7           (3)     STYLE OF DRESS BECAUSE OF:

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

9           (II)    THE PRESENCE OF AN INSIGNIA OR MARKING ON THE  
10 CLOTHING OF THE INDIVIDUAL THAT DESIGNATES AN AFFILIATION OF THE  
11 INDIVIDUAL WITH A CORPORATION, THE PRODUCTS OF THE CORPORATION, A SOCIAL  
12 GROUP OR CLUB, OR A SPORTS TEAM OR EVENT.

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

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

17           (2)     AN AMOUNT NOT EXCEEDING \$1,000, IF THE OWNER HAS BEEN  
18 ADJUDGED TO HAVE COMMITTED A PRIOR VIOLATION OF THIS SECTION DURING THE  
19 5-YEAR PERIOD ENDING ON THE DATE OF THE FILING OF THE CIVIL ACTION; AND

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

24    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 2001.