

Senate Bill 445

By: Senators Thomas of the 10th, Brush of the 24th and Crotts of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling
2 and other trade practices, so as to provide that a person who owns or operates a public
3 accommodation may not restrict an individual from access or admission to the
4 accommodation or otherwise prevent the individual from using the accommodation solely
5 because the individual operates a motorcycle, is a member of an organization or association
6 that operates motorcycles, or wears clothing that displays the name of such an organization
7 or association; to provide that no person who owns or operates a public accommodation may
8 exclude patrons from parking two-wheeled or three-wheeled vehicles in the parking lot of
9 the public accommodation; to provide exceptions; to define a certain term; to provide for
10 injunctive relief and damages involving violations of this Act; to authorize attorney's fees
11 and court costs under certain conditions; to provide for applicability; to provide an effective
12 date; to repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
16 trade practices, is amended by adding following Article 33 a new Article 34 to read as
17 follows:

18 **"ARTICLE 34**

19 10-1-900.

20 As used in this article, the term 'public accommodation' means a business or other entity
21 that offers to the general public food, shelter, recreation, amusement, or any other goods,
22 service, privilege, facility, or accommodation. Such term shall not include single or
23 multifamily dwellings or residences.

1 10-1-901.

2 (a)(1) A person who owns or operates a public accommodation may not restrict an
3 individual from access or admission to the accommodation or otherwise prevent the
4 individual from using the accommodation solely because the individual:

5 (A) Operates a motorcycle;

6 (B) Is a member of an organization or association that operates motorcycles; or

7 (C) Wears clothing that displays the name of such an organization or association.

8 (2) No person who owns or operates a public accommodation may exclude patrons from
9 parking two-wheeled or three-wheeled vehicles in the parking lot of the public
10 accommodation.

11 (b) This Code section does not prohibit a person who owns or operates a public
12 accommodation from denying to an individual access or admission to or use of the
13 accommodation if:

14 (1) The conduct of the individual poses a risk to the health or safety of another person
15 or a risk to the safety of another person's property; or

16 (2) The individual's clothing does not conform with a dress code that is:

17 (A) In effect at the public accommodation;

18 (B) Stated clearly; and

19 (C) Not designed to exclude a particular individual or group of individuals.

20 10-1-902.

21 (a) On application of any person, a court may enjoin a violation of this article.

22 (b) A person who is injured by a violation of this article may bring a cause of action for
23 injunctive relief, under subsection (a) of this Code section, or for damages, or for both
24 injunctive relief and damages. In an action for damages, the person may recover:

25 (1) Actual damages incurred by the person, if any; and

26 (2) Exemplary damages in an amount not to exceed \$5,000.00.

27 (c) A person who brings an action under subsection (a) or (b) of this Code section and who
28 prevails in the action is entitled to reasonable attorney's fees and court costs."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.