

Senate Bill 74

By: Senators Brush of the 24th, Thomas of the 10th, Crofts of the 17th and Mullis of the 53rd

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 certain terms; 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.

24 10-1-901.

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

4 (A) Operates a motorcycle;

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

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

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

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

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

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

16 (A) In effect at the public accommodation;

17 (B) Stated clearly; and

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

19 (c) This Code section does not prohibit a charitable trust or a functionally related business  
 20 of a charitable trust which owns or operates a public accommodation from restricting or  
 21 prohibiting the operation of motorcycles over the premises of the accommodation or any  
 22 part thereof, so long as a place for parking motorcycles is provided. For purposes of this  
 23 subsection, the terms 'charitable trust' and 'functionally related business' have the meanings  
 24 provided by subsection (d) of Code Section 48-13-55.

25 10-1-902.

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

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

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

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

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

## 34 SECTION 2.

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