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HOUSE BILL NO. 849

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 45, consisting of sections numbered 59.1-519 and 59.1-520, relating to equal access to public accommodations.

Patrons—Stump and Crittenden

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 45, consisting of sections numbered 59.1-519 and 59.1-520, as follows:

CHAPTER 45.

§ 59.1-519. Equal access to public accommodations.

A. A person who owns or operates a place of public accommodation shall not restrict an individual from access or admission to the place of public accommodation or otherwise prevent the individual from using the place of public accommodation solely because the individual (i) operates a motorcycle, (ii) is a member of an organization or association that operates motorcycles, or (iii) wears clothing that displays the name of a motorcycle organization or association.

For purposes of this chapter "public accommodation" means a business or other entity that offers to the general public food, shelter, recreation, or amusement, or any other goods, services, privilege, facility, or accommodation.

B. This section shall not prohibit a person who owns or operates a place of public accommodation from denying access or admission to or use of the place of public accommodation if the conduct of the individual poses a risk to the health or safety of another person or the property of another person or the person's clothing does not conform with a dress code that is in effect at the place of public accommodation so long as the dress code is stated clearly and is not designed to exclude a particular individual or group of individuals associated with a motorcycle or motorcycle organization.

§ 59.1-520. Injunctive relief; damages.

A. Any natural person who is aggrieved by a violation of this chapter shall be entitled to initiate an action to enjoin such violation and to recover damages in the amount of \$500 for each such violation.

B. If the court finds a willful violation, the court may, in its discretion, increase the amount of the award to an amount not exceeding \$1,500.

C. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such person may be awarded reasonable attorneys' fees and court costs.

INTRODUCED

HB849