F I S C A L   I M P A C T   R E P O R T

SPONSOR	Miera	**DATE TYPED** 3/10/05	**HB** 1082
SHORT TITLE	Public Accommodation for Motorcycle Riders		**SB**
		ANALYST Ford	

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	**FY06**	**FY05**	**FY06**		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

SOURCES OF INFORMATION
LFC Files

Responses Received From
Attorney General (AGO)

SUMMARY

Synopsis of Bill

House Bill 1082 prohibits a place of public accommodation from restricting access, admission or usage to a person solely because the person operates a motorcycle, is a member of a motorcycle organization or association, or is wearing clothing that displays the name of a motorcycle organization or association. A place of public accommodation may restrict access because the person's conduct poses a health or safety risk or because the person's clothing does not conform to an established and posted dress code.

An aggrieved person may bring an action for civil damages in an amount not to exceed $500, injunctive relief, and recovery of attorney fees in an amount not to exceed $500.

"Place of public accommodation" means a business, refreshment, entertainment, recreation or transportation facility of any kind, whether licensed or not, whose goods, services, privileges or accommodations are extended, offered, sold, or otherwise made available to the public.

Significant Issues
The New Mexico Human Rights Act states that it is an unlawful discriminatory practice for any person in any public accommodation to make distinction, directly or indirectly, in offering or re-

fusing to offer its services, facilities, accommodations or goods to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap (Section 28-1-7 NMSA 1978).

The Human Rights Act defines "public accommodation" as "any establishment that provides or offers its services, facilities, accommodations or goods to the public, but does not include a bona fide private club or other place or establishment that is by its nature and use distinctly private." (Section 28-1-2 NMSA 1978).

House Bill 1082 would go beyond the protections in the Human Rights Act to provide additional protections for motorcycle riders. These protections would not extend to other persons whose affiliations with groups or activities might be used by another as a basis to restrict access.

The definition of public accommodation in the bill appears to apply to private clubs and organizations whereas the definition in the Human Rights Act expressly exempts private clubs and organizations from the anti-discrimination provisions. Thus, the bill appears to provide even greater protections to motorcycle riders than are provided to individuals based on such factors as race, sex, and religion.

FISCAL IMPLICATIONS

House Bill 1082 creates a private right of action for the enforcement of its provisions and is not likely to have a fiscal impact to the state.

TECHNICAL ISSUES

The bill's definition of "public accommodation" appears to provide greater protections to motorcycle riders than those provided to protected individuals under the Human Rights Act.

POSSIBLE QUESTONS

What is the need for the bill?

Is it appropriate to single out motorcycle riders for special protections?

Are any other activity-based groups or affiliations in need of similar protections?

EF/yr