

Chapter 7 Civil Rights

13-7-1 Policy and purposes of act.

It is hereby declared that the practice of discrimination on the basis of race, color, sex, religion, ancestry, or national origin in business establishments or places of public accommodation or in enterprises regulated by the state endangers the health, safety, and general welfare of this state and its inhabitants; and that such discrimination in business establishments or places of public accommodation or in enterprises regulated by the state, violates the public policy of this state. It is the purpose of this act to assure all citizens full and equal availability of all goods, services and facilities offered by business establishments and places of public accommodation and enterprises regulated by the state without discrimination because of race, color, sex, religion, ancestry, or national origin. The rules of common law that statutes in derogation thereof shall be strictly construed has no application to this act. This act shall be liberally construed with a view to promote the policy and purposes of the act and to promote justice. The remedies provided herein are not exclusive but are in addition to any other remedies available at law or equity.

Amended by Chapter 378, 2010 General Session

13-7-2 Definitions.

- (1)
 - (a) "Place of public accommodation" includes every place, establishment, or facility of whatever kind, nature, or class that caters or offers its services, facilities, or goods to the general public for a fee or charge, except, an establishment that is:
 - (i) located within a building that contains not more than five rooms for rent or hire; and
 - (ii) actually occupied by the proprietor of the establishment as the proprietor's residence.
 - (b) A place, establishment, or facility that caters or offers its services, facilities, or goods to the general public gratuitously shall be within the definition of this term if it receives any substantial governmental subsidy or support.
 - (c) "Place of public accommodation" does not apply to any institution, church, any apartment house, club, or place of accommodation which is in its nature distinctly private except to the extent that it is open to the public.
- (2) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, labor unions, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.
- (3) "Enterprises regulated by the state" means:
 - (a) an institution subject to regulation under Title 70C, Utah Consumer Credit Code;
 - (b) a place of business that sells an alcoholic product at retail as provided in Title 32B, Alcoholic Beverage Control Act;
 - (c) an insurer regulated by Title 31A, Insurance Code; and
 - (d) a public utility subject to regulation under Title 54, Public Utilities.

Amended by Chapter 276, 2010 General Session

Amended by Chapter 378, 2010 General Session

13-7-3 Equal right in business establishments, places of public accommodation, and enterprises regulated by the state.

All persons within the jurisdiction of this state are free and equal and are entitled to full and equal accommodations, advantages, facilities, privileges, goods and services in all business establishments and in all places of public accommodation, and by all enterprises regulated by the state of every kind whatsoever, without discrimination on the basis of race, color, sex, religion, ancestry or national origin. Nothing in this act shall be construed to deny any person the right to regulate the operation of a business establishment or place of public accommodation or an enterprise regulated by the state in a manner which applies uniformly to all persons without regard to race, color, sex, religion, ancestry, or national origin; or to deny any religious organization the right to regulate the operation and procedures of its establishments.

Amended by Chapter 18, 1973 General Session

13-7-4 Business establishment, place of public accommodation, or enterprise regulated by the state denying rights deemed public nuisance -- Investigation and conciliation -- Action to enjoin -- Civil action for damages -- Expenses of defending action.

Any business establishment or place of public accommodation or enterprise regulated by the state in which a violation of the rights provided in Section 13-7-3 of this chapter occurs is a public nuisance. The operator of any such business establishment or place of public accommodation or enterprise regulated by the state is guilty of maintaining a public nuisance and may be enjoined as hereinafter provided.

- (1) Upon application to the attorney general by any person denied the rights guaranteed by Section 13-7-3, the attorney general shall investigate and seek to conciliate the matter.
- (2) An action to enjoin any nuisance defined in this section may be brought in the name of the state of Utah by the attorney general. Upon the trial of the cause, on finding that the material allegations of the complaint are true, the court shall order such nuisance to be abated, and enjoin all persons from maintaining or permitting such nuisance. When any injunction as herein provided has been granted it shall be binding upon the defendant and shall act as an injunction in personam against the defendant throughout the state.
- (3) Any person who is denied the rights provided for in Section 13-7-3 shall have a civil action for damages and any other remedy available in law or equity against any person who denies him the rights provided for in Section 13-7-3 or who aids, incites or conspires to bring about such denial.
- (4) Any business establishment or place of public accommodation or enterprises regulated by the state charged with maintaining a public nuisance in violation of this chapter, which is determined or found not to be in violation of this chapter, may be awarded all actual and necessary expenses incurred in defending such action, as determined and approved by the court having jurisdiction of the matter.

Amended by Chapter 10, 1997 General Session