

**CIVIL RIGHTS AMENDMENTS RELATING TO PERSONS
WITH A DISABILITY
2013 GENERAL SESSION
STATE OF UTAH**

Chief Sponsor: Patricia W. Jones

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies civil rights provisions relating to persons with a disability.

Highlighted Provisions:

This bill:

► includes "disability" among the characteristics protected from discrimination under civil rights provisions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-7-1, as last amended by Laws of Utah 2010, Chapter 378

13-7-2, as last amended by Laws of Utah 2010, Chapters 276 and 378

13-7-3, as last amended by Laws of Utah 1973, Chapter 18

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-7-1** is amended to read:

13-7-1. Policy and purposes of chapter.



28 (1) It is hereby declared that the practice of discrimination on the basis of race, color,
 29 sex, religion, ancestry, ~~[or]~~ national origin, or disability in business establishments or places of
 30 public accommodation or in enterprises regulated by the state endangers the health, safety, and
 31 general welfare of this state and its inhabitants[;], and that such discrimination in business
 32 establishments or places of public accommodation or in enterprises regulated by the state[;]
 33 violates the public policy of this state. ~~[It is the]~~

34 (2) The purpose of this [act] chapter is to assure all citizens full and equal availability
 35 of all goods, services, and facilities offered by business establishments and places of public
 36 accommodation and enterprises regulated by the state without discrimination because of race,
 37 color, sex, religion, ancestry, [or] national origin, or disability.

38 (3) The rules of common law that statutes in derogation ~~[thereof]~~ of the common law
 39 shall be strictly construed has no application to this [act] chapter.

40 (4) This [act] chapter shall be liberally construed with a view to promote the policy and
 41 purposes of the [act] chapter and to promote justice.

42 (5) The remedies provided ~~[herein]~~ in this chapter are not exclusive but are in addition
 43 to any other remedies available at law or equity.

44 Section 2. Section 13-7-2 is amended to read:

45 **13-7-2. Definitions.**

46 (1) "Disability" means a physical or mental impairment that substantially limits one or
 47 more of a person's major life activities, including a person who has a record of such an
 48 impairment or is regarded as having such an impairment.

49 ~~[(3)]~~ (2) "Enterprises regulated by the state" means:

- 50 (a) an institution subject to regulation under Title 70C, Utah Consumer Credit Code;
- 51 (b) a place of business that sells an alcoholic product at retail as provided in Title 32B,
 52 Alcoholic Beverage Control Act;
- 53 (c) an insurer regulated by Title 31A, Insurance Code; and
- 54 (d) a public utility subject to regulation under Title 54, Public Utilities ~~[Act]~~.

55 ~~[(2)]~~ (3) "Person" includes one or more individuals, partnerships, associations,
 56 organizations, corporations, labor unions, legal representatives, trustees, trustees in bankruptcy,
 57 receivers, and other organized groups of persons.

58 ~~[(4)]~~ (4) (a) "Place of public accommodation" includes every place, establishment, or

59 facility of whatever kind, nature, or class that caters or offers its services, facilities, or goods to
60 the general public for a fee or charge, except[;] an establishment that is:

- 61 (i) located within a building that contains not more than five rooms for rent or hire; and
- 62 (ii) actually occupied by the proprietor of the establishment as the proprietor's
63 residence.

64 (b) A place, establishment, or facility that caters or offers its services, facilities, or
65 goods to the general public gratuitously shall be within the definition of this term if it receives
66 any substantial governmental subsidy or support.

67 (c) "Place of public accommodation" does not apply to any institution, church, [any]
68 apartment house, club, or place of accommodation [~~which~~] that is in its nature distinctly
69 private, except to the extent that it is open to the public.

70 Section 3. Section **13-7-3** is amended to read:

71 **13-7-3. Equal right in business establishments, places of public accommodation,**
72 **and enterprises regulated by the state.**

73 (1) All persons within the jurisdiction of this state are free and equal and are entitled to
74 full and equal accommodations, advantages, facilities, privileges, goods, and services in all
75 business establishments and in all places of public accommodation, and by all enterprises
76 regulated by the state of every kind whatsoever, without discrimination on the basis of race,
77 color, sex, religion, ancestry [~~or~~], national origin, or disability.

78 (2) Nothing in this [~~act shall~~] chapter may be construed:

79 (a) to deny any person the right to regulate the operation of a business establishment or
80 place of public accommodation or an enterprise regulated by the state in a manner which
81 applies uniformly to all persons without regard to race, color, sex, religion, ancestry, [~~or~~]
82 national origin[;], or disability; or

83 (b) to deny any religious organization the right to regulate the operation and procedures
84 of its establishments.

Legislative Review Note
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Office of Legislative Research and General Counsel