

Emergency Bill No. 33-01
Concerning: Human Rights -Transportation and Government Services
Revised: Dec. 4, 2001 Draft No. 6
Introduced: October 16, 2001
Enacted: December 4, 2001
Executive: December 13, 2001
Effective: December 13, 2001
Sunset Date: None
Ch. 33, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing, for himself and on behalf of the County Executive, and Councilmember Praisner.

AN EMERGENCY ACT to:

- (1) clarify that the County human rights law prohibits discrimination in certain transportation facilities and services;
- (2) clarify that government agencies and services must comply with County human rights laws; and
- (3) make stylistic changes in, and generally amend, County law regarding human rights.

By amending

Montgomery County Code
Chapter 27, Human Rights
Sections 27-6, 27-10, and 27-11

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Section 1. Sections 27-6, 27-10, and 27-11 of the County Code are**
 2 **amended as follows:**

3 **27-6. Definitions.**

4 The following words and phrases have the following meanings, unless the
 5 context indicates otherwise:

6 * * *

7 (p) **Lending institution** means any bank, insurance company, savings
 8 and loan association, or any other **person** or organization regularly
 9 engaged in the business of lending money or guaranteeing loans.
 10 Lending institution includes a department, agency, or instrument of
 11 the County or, to the extent allowed by law, a federal, State, or local
 12 government that lends money or guarantees loans.

13 * * *

14 (s) **Person** [has the meaning stated in Section 1-302(a)(5)] means an
 15 individual; a legal entity; or a department, agency, or instrument of
 16 the County or, to the extent allowed by law, of federal, State, or local
 17 government.

18 * * *

19 **DIVISION 1. DISCRIMINATION IN [PLACES OF] PUBLIC**
 20 **[ACCOMMODATION] ACCOMMODATIONS.**

21 **27-10. Scope.**

22 (a) This division applies to every [place of] public accommodation of any
 23 kind in the County whose facilities, accommodations, services,
 24 commodities, or use are offered to or enjoyed by the general public
 25 either with or without charge, such as:

- 26 (1) restaurants, soda fountains, and other eating or drinking places,
27 and all places where food is sold for consumption either on or
28 off the premises;
- 29 (2) inns, hotels, and motels, whether serving temporary or
30 permanent patrons;
- 31 (3) retail stores and service establishments;
- 32 (4) hospitals and clinics;
- 33 (5) motion picture, stage, and other theaters and music, concert, or
34 meeting halls;
- 35 (6) circuses, exhibitions, skating rinks, sports arenas and fields,
36 amusement or recreation parks, picnic grounds, fairs, bowling
37 alleys, golf courses, gymnasiums, shooting galleries, billiard
38 and pool rooms, and swimming pools; [and]
- 39 (7) public conveyances, such as automobiles, buses, taxicabs,
40 trolleys, trains, limousines, boats, airplanes, and bicycles;
- 41 (8) utilities, such as water and sewer service, electricity, telephone,
42 and cable television;
- 43 (9) streets, roads, sidewalks, other public rights-of-way, parking
44 lots or garages, marinas, airports, and hangars; and
- 45 [(7)]
- 46 (10) places of public assembly and entertainment of every kind.
- 47 (b) In this Chapter, "public accommodation" includes any service,
48 program, or activity offered to or used by the general public.
- 49 (c) This division does not apply to accommodations that are distinctly
50 private or personal.

51 **27-11. Discriminatory practices.**

52 (a) An owner, lessee, operator, manager, agent, or **employee** of any
53 public accommodation in the County must not, with respect to the
54 [place] accommodation:

55 (1) make any distinction with respect to any **person** based on race,
56 color, sex, **marital status**, **religious creed**, ancestry, national
57 origin, **disability**, or **sexual orientation** in connection with:

58 (A) admission;

59 (B) service or sales; or

60 (C) price, quality, or use of any facility or service;

61 (2) display, circulate, or publicize, or cause to be displayed,
62 circulated, or publicized, directly or indirectly, any notice,
63 communication, or advertisement that states or implies:

64 (A) [that] any distinction in the availability of any facility,
65 service, commodity, or activity [in that place of public]
66 related to the accommodation [will not be made available
67 to any **person** according to the requirements of
68 subsection (a) of this section] that would violate
69 paragraph (1), or

70 (B) that the patronage or presence of any **person** is
71 unwelcome, objectionable, unacceptable, or not desired
72 or solicited on account of any person's race, color, sex,
73 **marital status**, **religious creed**, ancestry, national origin,
74 **disability**, or **sexual orientation**;

75 * * *


76 (b) [Discrimination against a disabled **person** in a place of public
77 accommodation includes a refusal] A person must not refuse to make

78 any readily achievable modification [necessary to afford] that would
79 give a person with a disability equal opportunity to use and enjoy the
80 public accommodation.

81 **Sec. 2. Emergency Effective Date.**


82 The Council declares that an emergency exists and that this legislation is
83 necessary for the immediate protection of the public health and safety. This Act
84 takes effect on the date on which it becomes law.

85 *Approved:*

86  12/07/01

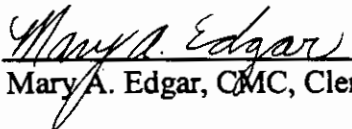
Steven A. Silverman, President, County Council Date

87 *Approved:*

88  12/13/01

Douglas M. Duncan, County Executive Date

89 *This is a correct copy of Council action.*

90  12/17/01

Mary A. Edgar, CMC, Clerk of the Council Date