

SENATE BILL No. 351

May 30, 1991, Introduced by Senators DUNASKISS, POSTHUMUS, DI NELLO, EHLERS, HART, EMMONS, KOIVISTO, WARTNER, HONIGMAN, HOLMES, CARL, DINGELL, PRIDNIA, CISKY, FAUST, O'BRIEN, MC MANUS, GEAKE, DILLINGHAM, DE GROW, BERRYMAN, GAST, ARTHURHULTZ, FAXON and WELBORN and referred to the Committee on State Affairs and Military/Veteran Affairs.

A bill to amend sections 301, 302, and 303 of Act No. 453 of the Public Acts of 1976, entitled as amended "Elliott-Larsen civil rights act," being sections 37.2301, 37.2302, and 37.2303 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 301, 302, and 303 of Act No. 453 of the
2 Public Acts of 1976, being sections 37.2301, 37.2302, and 37.2303
3 of the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 301. As used in this article:

5 (A) "DISTINCTLY PRIVATE IN NATURE" MEANS AN INSTITUTION,
6 CLUB, OR PLACE OF ACCOMMODATION THAT HAS LESS THAN 200 MEMBERS,
7 DOES NOT PROVIDE REGULAR MEAL SERVICE FOR NONMEMBERS, AND DOES
8 NOT ON A REGULAR BASIS, RECEIVE PAYMENT FOR DUES, FEES, USE OF
9 SPACE, SERVICES, FACILITIES, OR THE PROVISION OF MEALS OR

1 BEVERAGES DIRECTLY OR INDIRECTLY FROM OR ON BEHALF OF NONMEMBERS
2 FOR THE FURTHERANCE OF TRADE OR BUSINESS.

3 (B) ~~—(a)—~~ "Place of public accommodation" means a business,
4 or an educational, refreshment, entertainment, recreation,
5 health, or transportation facility, or institution of any kind,
6 whether licensed or not, whose goods, services, facilities, priv-
7 ileges, advantages, or accommodations are extended, offered,
8 sold, or otherwise made available to the public. PLACE OF PUBLIC
9 ACCOMMODATION DOES NOT INCLUDE AN INSTITUTION, CLUB, OR PLACE OF
10 ACCOMMODATION THAT IS DISTINCTLY PRIVATE IN NATURE.

11 (C) ~~—(b)—~~ "Public service" means a public facility, depart-
12 ment, agency, board, or commission, owned, operated, or managed
13 by or on behalf of the state, a political subdivision, or an
14 agency thereof, or a tax exempt private agency established to
15 provide service to the public.

16 Sec. 302. (1) Except where permitted by law, a person
17 shall not:

18 (a) Deny an individual the full and equal enjoyment of the
19 goods, services, facilities, privileges, advantages, or accommo-
20 dations of a place of public accommodation or public service
21 because of religion, race, color, national origin, age, sex, or
22 marital status.

23 (b) Print, circulate, post, mail, or otherwise cause to be
24 published a statement, advertisement, notice, or sign which indi-
25 cates that the full and equal enjoyment of the goods, services,
26 facilities, privileges, advantages, or accommodations of a place
27 of public accommodation or public service will be refused,

1 withheld from, or denied an individual because of religion, race,
2 color, national origin, age, sex, or marital status, or that an
3 individual's patronage of or presence at a place of public accom-
4modation is objectionable, unwelcome, unacceptable, or undesir-
5able because of religion, race, color, national origin, age, sex,
6 or marital status.

7 (2) A PLACE OF PUBLIC ACCOMMODATION THAT IS REQUIRED TO CON-
8STRUCT OR RECONSTRUCT LOCKER ROOM, SHOWER, OR OTHER FACILITIES IN
9 ORDER TO COMPLY WITH THIS ACT SHALL BE ALLOWED 180 DAYS AFTER AN
10 ORDER ISSUED BY THE COMMISSION TO COMPLETE THE CONSTRUCTION OR
11 RECONSTRUCTION. THE COMMISSION, FOR GOOD CAUSE SHOWN, MAY GRANT
12 AN EXTENSION OF NOT TO EXCEED AN ADDITIONAL 90 DAYS TO COMPLETE
13 COMPLIANCE WITH THE ORDER. THE COMMISSION MAY PROMULGATE RULES
14 TO IMPLEMENT THIS SUBSECTION.

15 Sec. 303. This article shall not apply to a ~~private~~ club
16 THAT IS DISTINCTLY PRIVATE IN NATURE, or other establishment not
17 in fact open to the public, except to the extent that the goods,
18 services, facilities, privileges, advantages, or accommodations
19 of the ~~private~~ club or establishment are made available to the
20 customers or patrons of another establishment that is a place of
21 public accommodation or is licensed by the state under THE
22 MICHIGAN LIQUOR CONTROL ACT, Act No. 8 of the Public Acts of THE
23 EXTRA SESSION OF 1933, being sections 436.1 ~~through~~ TO 436.58
24 of the Michigan Compiled Laws.