



HOUSE BILL No. 6097

November 9, 2000, Introduced by Reps. Woodward, Green, Rick Johnson and Quarles and referred to the Committee on Family and Civil Law.

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, and 302 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, and 37.2302), the title as amended by 1992 PA 258, section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 1991 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, ~~or~~ marital status, THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEARING OF

1 CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR OPERATION; to
 2 preserve the confidentiality of records regarding arrest, deten-
 3 tion, or other disposition in which a conviction does not result;
 4 to prescribe the powers and duties of the civil rights commission
 5 and the department of civil rights; to provide remedies and pen-
 6 alties; to provide for fees; and to repeal certain acts and parts
 7 of acts.

8 Sec. 102. (1) The opportunity to obtain employment, housing
 9 and other real estate, and the full and equal utilization of
 10 public accommodations, public service, and educational facilities
 11 without discrimination because of religion, race, color, national
 12 origin, age, sex, height, weight, familial status, ~~or~~ marital
 13 status, THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEAR-
 14 ING OF CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR OPERATION
 15 as prohibited by this act, is recognized and declared to be a
 16 civil right.

17 (2) This section ~~shall not be construed to~~ DOES NOT pre-
 18 vent an individual from bringing or continuing an action arising
 19 out of sex discrimination before July 18, 1980 ~~which~~ FOR AN
 20 action THAT is based on conduct similar to or identical to
 21 harassment.

22 (3) This section ~~shall not be construed to~~ DOES NOT pre-
 23 vent an individual from bringing or continuing an action arising
 24 out of discrimination based on familial status before ~~the effec-~~
 25 ~~tive date of the amendatory act that added this subsection which~~
 26 JUNE 29, 1992 FOR AN action THAT is based on conduct similar to

1 or identical to discrimination because of the age of persons
2 residing with the individual bringing or continuing the action.

3 Sec. 103. As used in this act:

4 (a) "Age" means chronological age except as otherwise pro-
5 vided by law.

6 (B) "CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR
7 OPERATION" MEANS CLOTHING THAT DISPLAYS THE NAME OR LIKENESS OF A
8 MOTORCYCLE, A MOTORCYCLE-RELATED PRODUCT, OR THE NAME OF A
9 MOTORCYCLE-RELATED ORGANIZATION, MANUFACTURER, OR ASSOCIATION.

10 (C) ~~-(b)-~~ "Commission" means the civil rights commission
11 established by section 29 of article V of the state constitution
12 of 1963.

13 (D) ~~-(c)-~~ "Commissioner" means a member of the commission.

14 (E) ~~-(d)-~~ "Department" means the department of civil rights
15 or its employees.

16 (F) ~~-(e)-~~ "Familial status" means 1 or more individuals
17 under the age of 18 residing with a parent or other person having
18 custody or in the process of securing legal custody of the indi-
19 vidual or individuals or residing with the designee of the parent
20 or other person having or securing custody, with the written per-
21 mission of the parent or other person. For purposes of this def-
22 inition, "parent" includes a person who is pregnant.

23 (G) ~~-(f)-~~ "National origin" includes the national origin of
24 an ancestor.

25 (H) ~~-(g)-~~ "Person" means an individual, agent, association,
26 corporation, joint apprenticeship committee, joint stock company,
27 labor organization, legal representative, mutual company,

1 partnership, receiver, trust, trustee in bankruptcy,
2 unincorporated organization, the state or a political subdivision
3 of the state or an agency of the state, or any other legal or
4 commercial entity.

5 (I) ~~-(h)-~~ "Political subdivision" means a county, city, vil-
6 lage, township, school district, or special district or authority
7 of the state.

8 (J) ~~-(i)-~~ "Discrimination because of sex" includes sexual
9 harassment. "Sexual harassment" means unwelcome sexual advances,
10 requests for sexual favors, and other verbal or physical conduct
11 or communication of a sexual nature under the following
12 conditions:

13 (i) Submission to the conduct or communication is made a
14 term or condition either explicitly or implicitly to obtain
15 employment, public accommodations or public services, education,
16 or housing.

17 (ii) Submission to or rejection of the conduct or communica-
18 tion by an individual is used as a factor in decisions affecting
19 the individual's employment, public accommodations or public
20 services, education, or housing.

21 (iii) The conduct or communication has the purpose or effect
22 of substantially interfering with an individual's employment,
23 public accommodations or public services, education, or housing,
24 or creating an intimidating, hostile, or offensive employment,
25 public accommodations, public services, educational, or housing
26 environment.

1 Sec. 202. (1) An employer shall not do any of the
2 following:

3 (a) Fail or refuse to hire or recruit, discharge, or other-
4 wise discriminate against an individual with respect to employ-
5 ment, compensation, or a term, condition, or privilege of employ-
6 ment, because of religion, race, color, national origin, age,
7 sex, height, weight, ~~or~~ marital status, THE OWNERSHIP OR OPERA-
8 TION OF A MOTORCYCLE, OR THE WEARING OF CLOTHING ASSOCIATED WITH
9 MOTORCYCLE OWNERSHIP OR OPERATION.

10 (b) Limit, segregate, or classify an employee or applicant
11 for employment in a way that deprives or tends to deprive the
12 employee or applicant of an employment opportunity, or otherwise
13 adversely affects the status of an employee or applicant because
14 of religion, race, color, national origin, age, sex, height,
15 weight, ~~or~~ marital status, THE OWNERSHIP OR OPERATION OF A
16 MOTORCYCLE, OR THE WEARING OF CLOTHING ASSOCIATED WITH MOTORCYCLE
17 OWNERSHIP OR OPERATION.

18 (c) Segregate, classify, or otherwise discriminate against a
19 person on the basis of sex with respect to a term, condition, or
20 privilege of employment, including, but not limited to, a benefit
21 plan or system.

22 (d) Until January 1, 1994, require an employee of an insti-
23 tution of higher education who is serving under a contract of
24 unlimited tenure, or similar arrangement providing for unlimited
25 tenure, to retire from employment on the basis of the employee's
26 age. As used in this subdivision, "institution of higher

1 education" means a public or private university, college,
2 community college, or junior college located in this state.

3 (2) This section shall not be construed to prohibit the
4 establishment or implementation of a bona fide retirement policy
5 or system that is not a subterfuge to evade the purposes of this
6 section.

7 (3) This section does not apply to the employment of an
8 individual by his or her parent, spouse, or child.

9 Sec. 203. An employment agency shall not fail or refuse to
10 procure, refer, recruit, or place for employment, or otherwise
11 discriminate against, an individual because of religion, race,
12 color, national origin, age, sex, height, weight, ~~or~~ marital
13 status, THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEAR-
14 ING OF CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR
15 OPERATION; or classify or refer for employment an individual on
16 the basis of religion, race, color, national origin, age, sex,
17 height, weight, ~~or~~ marital status, THE OWNERSHIP OR OPERATION
18 OF A MOTORCYCLE, OR THE WEARING OF CLOTHING ASSOCIATED WITH
19 MOTORCYCLE OWNERSHIP OR OPERATION.

20 Sec. 204. A labor organization shall not:

21 (a) Exclude or expel from membership, or otherwise discrimi-
22 nate against, a member or applicant for membership because of
23 religion, race, color, national origin, age, sex, height, weight,
24 ~~or~~ marital status, THE OWNERSHIP OR OPERATION OF A MOTORCYCLE,
25 OR THE WEARING OF CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP
26 OR OPERATION.

1 (b) Limit, segregate, or classify membership or applicants
2 for membership, or classify or fail or refuse to refer for
3 employment an individual in a way ~~which~~ THAT would deprive or
4 tend to deprive that individual of an employment opportunity, or
5 ~~which~~ THAT would limit an employment opportunity, or ~~which~~
6 THAT would adversely affect wages, hours, or employment condi-
7 tions, or otherwise adversely affect the status of an employee or
8 an applicant for employment, because of religion, race, color,
9 national origin, age, sex, height, weight, ~~or~~ marital status,
10 THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEARING OF
11 CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR OPERATION.

12 (c) Cause or attempt to cause an employer to violate this
13 article.

14 (d) Fail to fairly and adequately represent a member in a
15 grievance process because of religion, race, color, national
16 origin, age, sex, height, weight, ~~or~~ marital status, THE OWNER-
17 SHIP OR OPERATION OF A MOTORCYCLE, OR THE WEARING OF CLOTHING
18 ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR OPERATION.

19 Sec. 205. An employer, labor organization, or joint
20 labor-management committee controlling an apprenticeship, on the
21 job, or other training or retraining program, shall not discrimi-
22 nate against an individual because of religion, race, color,
23 national origin, age, sex, height, weight, ~~or~~ marital status,
24 THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEARING OF
25 CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR OPERATION, in
26 admission to, or employment or continuation in, a program

1 established to provide apprenticeship on the job, or other
2 training or retraining.

3 Sec. 206. (1) An employer, labor organization, or employ-
4 ment agency shall not print, circulate, post, mail, or otherwise
5 cause to be published a statement, advertisement, notice, or sign
6 relating to employment by the employer, or relating to membership
7 in or a classification or referral for employment by the labor
8 organization, or relating to a classification or referral for
9 employment by the employment agency, ~~which~~ THAT indicates a
10 preference, limitation, specification, or discrimination, based
11 on religion, race, color, national origin, age, sex, height,
12 weight, ~~or~~ marital status, THE OWNERSHIP OR OPERATION OF A
13 MOTORCYCLE, OR THE WEARING OF CLOTHING ASSOCIATED WITH MOTORCYCLE
14 OWNERSHIP OR OPERATION.

15 (2) Except as permitted by rules promulgated by the commis-
16 sion or by applicable federal law, an employer or employment
17 agency shall not:

18 (a) Make or use a written or oral inquiry or form of appli-
19 cation that elicits or attempts to elicit information concerning
20 the religion, race, color, national origin, age, sex, height,
21 weight, ~~or~~ marital status, THE OWNERSHIP OR OPERATION OF A
22 MOTORCYCLE, OR THE WEARING OF CLOTHING ASSOCIATED WITH MOTORCYCLE
23 OWNERSHIP OR OPERATION of a prospective employee.

24 (b) Make or keep a record of information described in
25 subdivision (a) or to disclose that information.

26 (c) Make or use a written or oral inquiry or form of
27 application that expresses a preference, limitation,

1 specification, or discrimination based on religion, race, color,
2 national origin, age, sex, height, weight, ~~or~~ marital status,
3 THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEARING OF
4 CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR OPERATION of a
5 prospective employee.

6 Sec. 207. An individual seeking employment shall not pub-
7 lish or cause to be published a notice or advertisement that
8 specifies or indicates the individual's religion, race, color,
9 national origin, age, sex, height, weight, ~~or~~ marital status,
10 THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEARING OF
11 CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR OPERATION, or
12 expresses a preference, specification, limitation, or discrimina-
13 tion as to the religion, race, color, national origin, age,
14 height, weight, sex, ~~or~~ marital status, THE OWNERSHIP OR OPERA-
15 TION OF A MOTORCYCLE, OR THE WEARING OF CLOTHING ASSOCIATED WITH
16 MOTORCYCLE OWNERSHIP OR OPERATION of a prospective employer.

17 Sec. 302. Except where permitted by law, a person shall
18 not:

19 (a) Deny an individual the full and equal enjoyment of the
20 goods, services, facilities, privileges, advantages, or accommo-
21 dations of a place of public accommodation or public service
22 because of religion, race, color, national origin, age, sex, ~~or~~
23 marital status, THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR
24 THE WEARING OF CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR
25 OPERATION.

26 (b) Print, circulate, post, mail, or otherwise cause to be
27 published a statement, advertisement, notice, or sign ~~which~~

1 THAT indicates that the full and equal enjoyment of the goods,
2 services, facilities, privileges, advantages, or accommodations
3 of a place of public accommodation or public service will be
4 refused, withheld from, or denied an individual because of reli-
5 gion, race, color, national origin, age, sex, ~~or~~ marital
6 status, THE OWNERSHIP OR OPERATION OF A MOTORCYCLE, OR THE WEAR-
7 ING OF CLOTHING ASSOCIATED WITH MOTORCYCLE OWNERSHIP OR
8 OPERATION, or that an individual's patronage of or presence at a
9 place of public accommodation is objectionable, unwelcome, unac-
10 ceptable, or undesirable because of religion, race, color,
11 national origin, age, sex, ~~or~~ marital status, THE OWNERSHIP OR
12 OPERATION OF A MOTORCYCLE, OR THE WEARING OF CLOTHING ASSOCIATED
13 WITH MOTORCYCLE OWNERSHIP OR OPERATION.