

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.



WORK SESSION

Assembly Committee on Government Affairs

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

ASSEMBLY BILL 332

Makes various changes related to service animals. (BDR 38-1)

Sponsored by: Assemblyman Arberry
Date Heard: March 21, 2003

Assembly Bill 332 proposes a number of amendments relating to service animals and service animals in training to enhance protection for such animals and their trainers and owners and to clarify the rights afforded persons with disabilities with service animals.

Amendments: Several persons requested amendments to the bill including Myla Florence, Director of the Department of Employment, Training and Rehabilitation; Linda Lueck, with the Governor's Committee on Employment of People with Disabilities; and Warren Wish, Carson City Guide Dog Club. Ms. Lueck agreed to submit proposed amendments in conjunction with the Nevada Disability and Advocacy Center.

A mock-up of the proposed amendments is attached.

Opposition: As noted, there was universal opposition to the requirement of fees and licensing for trainers and service animal schools.

Fiscal Impact: Local Government: Yes
State Government: Yes
Note: The removal of the licensing portions of the bill would effectively eliminate the fiscal note. Removal of the fee requirements will result in the removal of the 2/3 majority vote requirement.

ORIGINALS ARE ON FILE IN THE
RESEARCH LIBRARY

M 1 of 16

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 332

PREPARED FOR ASSEMBLY GOVERNMENT AFFAIRS
MARCH 30, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) ~~green bold dashed underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 426 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 9, inclusive, of this act.

3 **Sec. 2.** *“Service animal in training” means an animal that is being*
4 *trained for the purpose of assisting or accommodating a person with a*
5 *sensory, mental or physical disability in obedience and socialization by*
6 *exposure to the activities of everyday life in preparation for the advanced*
7 *training required to become a service animal.*

8 **Sec. 3.** *Disability defined. “Disability means, with respect to an*
9 *individual:*

10 *a. A physical or mental impairment that substantially limits one or*
11 *more major life activities;*

12 *b. A record of such impairment; or*

13 *c. Being regarded as having such an impairment. ~~It is unlawful~~*
14 *for a person knowingly and fraudulently to misrepresent, through verbal*
15 *or written notice, any animal as being considered, qualified or identified*
16 *as a service animal or service animal in training.*

Redefine service animal
in training to incorporate
a broader definition of
disability.

The original section is
proposed for deletion
because it would be
difficult to enforce. One
commenter suggested
retaining this section.

In lieu of the deleted
language, the bill
proponents suggested
adding a definition of
“disability.”

The Committee may
wish to forego adding a
definition of “disability”
to avoid possible
conflicts with other
chapters. Further, there
was no testimony on the
inclusion of such a
definition.

~~2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.~~

Sec. 4. 1. It is unlawful for a person to require certification of a disability, service animal, service animal in training or person who is training a service animal as a condition of:

- (a) Admittance or access to a place of public accommodation;
- (b) The provision of any goods or services;
- (c) The use of any facility, accommodation or transportation; or
- (d) The exercise of any privilege or advantage.

2. Any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1:

(a) Is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$500 and not more than \$2,500; and

(b) In addition to any criminal penalty that may be imposed, is civilly liable to the person against whom the violation was committed as provided in section 8 of this act.

Sec. 5. 1. It is unlawful for a person to require an additional surcharge, deposit or fee for the use of any premises or facility ~~other than~~ including a housing accommodation, from a person who:

- (a) Has a disability;
- (b) Has a disability and is accompanied by a service animal; or
- (c) Is accompanied by a service animal in training.

2. A person who brings a service animal or service animal in training into any premises or facility is liable for all damage to real or personal property on the premises or facility caused by the service animal or service animal in training.

3. Any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1:

(a) Is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$500 and not more than \$2,500; and

(b) In addition to any criminal penalty that may be imposed, is civilly liable to the person against whom the violation was committed as provided in section 8 of this act.

Sec. 6. 1. It is unlawful for a person to allow any dog or other animal that he owns, harbors or controls to cause injury to or the death of any service animal or service animal in training, or to endanger or cause injury to a person who has a disability and is accompanied by a service animal or a person who trains service animals and is accompanied by a service animal in training.

2. Any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1:

(a) Is guilty of a gross misdemeanor and shall be punished:

- (1) By a fine of not less than \$500 and not more than \$2,500; or

Specifically includes housing to be consistent with Section 7 of the bill.

Includes other pets or animals within proscription against hurting service animals.

1 (2) If the violation is intentional, by imprisonment in the county
2 jail for not more than 1 year or by a fine of not more than \$5,000, or by
3 both fine and imprisonment; and

4 (b) In addition to any criminal penalty that may be imposed, is civilly
5 liable to the person against whom the violation was committed as
6 provided in section 8 of this act.

7 3. In addition to any other penalty, the court shall order a person
8 convicted of a violation of subsection 1 to pay restitution to the person
9 who has the disability or the person who has custody or ownership of the
10 service animal or service animal in training for any veterinary bills, and
11 for the replacement cost of the service animal or service animal in
12 training if it was killed or disabled or has become mentally or physically
13 unable to perform its duties. The restitution must cover all costs for
14 aides, assistance, transportation and other hardships incurred during the
15 absence, and until the replacement, of the service animal or service
16 animal in training.

17 Sec. 7. 1. It is unlawful to deny to a person who has a disability
18 full and equal access to any housing accommodation offered for rent,
19 lease or any other compensation in this state.

20 2. It shall be deemed a denial of equal access to a housing
21 accommodation for any person, including, without limitation, any firm,
22 association or corporation:

23 (a) To refuse to lease or rent a housing accommodation to a person
24 who has a disability or trains service animals on the basis that he uses or
25 is accompanied by a service animal or service animal in training;

26 (b) To restrict a person who has a disability or trains service animals
27 from keeping a service animal or service animal in training on the
28 premises; or

29 (c) To require a person who has a disability or trains service animals
30 to pay an extra charge or security deposit for keeping a service animal or
31 service animal in training on the premises.

32 ~~3. This section does not prevent the owner of a housing~~
33 ~~accommodation or his agent from establishing terms in a lease or rental~~
34 ~~agreement that reasonably regulate the presence of service animals or~~
35 ~~service animals in training on the premises of the housing~~
36 ~~accommodation, except that no such term may restrict the normal~~
37 ~~performance of duty of a service animal or a service animal in training.~~

38 ~~4. A person who has a disability or trains service animals and keeps~~
39 ~~a service animal or service animal in training on the premises of a~~
40 ~~housing accommodation shall ensure that the service animal or service~~
41 ~~animal in training is:~~

42 ~~(a) Kept on a leash or tether while in any area of the housing~~
43 ~~accommodation that is generally accessible to other tenants.~~

44 ~~(b) Obedient and under control;~~

45 ~~(c) Kept clean and presentable; and~~

Section 3 is recommended for deletion because it was felt that it may encourage the setting of regulations and being silent on the issue is preferred.

Section 4 is recommended for deletion because there are no federal requirements for tagging or otherwise identifying service animals.

M4 of 16

~~(d) Tagged or otherwise identified as a service animal or service animal in training.~~

5. This section does not relieve a person who has a disability and who is accompanied by a service animal, or a person who trains a service animal, from liability for damage which is caused by the service animal or service animal in training.

6. Any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1:

(a) Is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$500 and not more than \$2,500; and

(b) In addition to any criminal penalty that may be imposed, is civilly liable to the person against whom the violation was committed as provided in section 8 of this act.

7. This section does not impose any limitation on access to any person in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq. or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq.

Sec. 8. 1. In addition to any criminal penalty that may be imposed, any person, including, without limitation, any firm, association or corporation, who violates any provision of NRS 426.790, 651.075, 704.145 or 706.366, or sections 4 to 7, inclusive, of this act is civilly liable to the person against whom the violation was committed for:

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than \$750; and

(c) Reasonable attorney's fees as determined by the court.

2. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this state or the United States.

~~Sec. 9. 1. The Division shall adopt regulations requiring the licensing of persons who train service animals, including, without limitation, the licensing of schools for guide dogs, schools for hearing dogs and schools for helping dogs.~~

~~2. The regulations must, without limitation, include provisions:~~

~~(a) Establishing the qualifications for such a licensee;~~

~~(b) Providing for the issuance and annual renewal of such a license;~~

~~(c) Establishing a reasonable fee for the issuance and renewal of such a license; and~~

~~(d) Requiring an applicant for such a license to file with the Division a bond that is in an amount determined appropriate by the Division.~~

Section 9 is recommended for deletion due to universal opposition to the concept of DETR regulating or licensing service animals or schools.

M5 of 16

1 ~~issued by a surety insurer authorized to transact such insurance in this~~
2 ~~state and conditioned as required by the Division.~~

3 ~~3. The regulations must not include provisions~~

4 ~~(a) Authorizing the licensure by reciprocity of a person who holds a~~
5 ~~similar license in another jurisdiction; or~~

6 ~~(b) Exempting established and previously approved schools for guide~~
7 ~~dogs, schools for hearing dogs or schools for helping dogs from~~
8 ~~compliance with the requirements for licensing set forth in the~~
9 ~~regulations.~~

10 **Sec. 10.** NRS 426.031 is hereby amended to read as follows:

11 426.031 As used in this chapter, unless the context otherwise
12 requires, the words and terms defined in NRS 426.041 to 426.097,
13 inclusive, and section 2 of this act have the meanings ascribed to them in
14 those sections.

15 **Sec. 11.** NRS 426.085 is hereby repealed ~~amended to read as~~
16 ~~follows:~~

17 ~~426.085 "School for guide dogs" means a school which trains dogs to~~
18 ~~be guide dogs and which is [approved] licensed by the Division.~~

19 **Sec. 12.** NRS 426.091 is hereby repealed ~~amended to read as~~
20 ~~follows:~~

21 ~~426.091 "School for hearing dogs" means a school which trains dogs~~
22 ~~to be hearing dogs and which is [approved] licensed by the Division.~~

23 **Sec. 13.** NRS 426.095 is hereby repealed ~~amended to read as~~
24 ~~follows:~~

25 ~~426.095 "School for helping dogs" means a school which trains dogs~~
26 ~~to be helping dogs and which is [approved] licensed by the Division.~~

27 **Sec. 14.** NRS 426.097 is hereby amended to read as follows:

28 426.097 "Service animal" means an animal which has been ~~for is~~
29 ~~being] trained to provide a specialized service to a [handicapped person/~~
30 ~~who has a disability by a [school that is approved] person who is licensed~~
31 ~~by the Division to train [such an animal/ service animals and includes,~~
32 ~~without limitation, a guide dog, hearing dog, and helping dog for the~~
33 ~~purposes of assisting or accommodating a person with a sensory, mental~~
34 ~~or physical disability~~

35 **Sec. 15.** NRS 426.510 is hereby amended to read as follows: ~~to~~
36 ~~provide a specialized service to a [handicapped] person who has a~~
37 ~~disability by a [school that is approved] person who is licensed by the~~
38 ~~Division to train [such an animal/ service animals and includes, without~~
39 ~~limitation, a guide dog, hearing dog and helping dog.~~

40 ~~426.510 1. Except as otherwise provided in subsections 2, 3 and~~
41 ~~4, a person shall not:~~

42 ~~(a) Use a [guide dog, hearing dog, helping dog or other] service~~
43 ~~animal or a blaze orange leash; or~~

These definitions are recommended for deletion as being obsolete and included within the new definition of service animal.

The definition of service animal is updated.

Section 15 is proposed for deletion because there is no need to distinguish between schools for different types of training and there are no federal requirements for licensing or training by a school.

~~1 (b) Carry or use on any street or highway or in any other public
2 place a cane or walking stick which is white or metallic in color, or
3 white tipped with red;~~

~~4 2. A blind person may use a guide dog or other service animal, a
5 blaze orange leash and a cane or walking stick which is white or
6 metallic in color, or white tipped with red;~~

~~7 3. A deaf person may use a hearing dog or other service animal
8 and a blaze orange leash;~~

~~9 4. A physically handicapped person may use a helping dog or other
10 service animal and a blaze orange leash;~~

~~11 5. Any pedestrian who approaches or encounters a *blind* person using
12 a guide dog or other service animal or carrying a cane or walking stick
13 white or metallic in color, or white tipped with red, shall immediately
14 come to a full stop and take such precautions before proceeding as
15 may be necessary to avoid accident or injury to the blind person;~~

~~16 6. Any person other than a blind person who~~

~~17 (a) Uses a guide dog or other service animal or carries a cane or
18 walking stick such as is described in this section, contrary to the
19 provisions of this section;~~

~~20 (b) Fails to heed the approach of a person using a guide dog or
21 other service animal or carrying such a cane as is described by this
22 section;~~

~~23 (c) Fails to come to a stop upon approaching or coming in contact
24 with a person so using a guide dog or other service animal or so
25 carrying such a cane or walking stick; or~~

~~26 (d) Fails to take precaution against accident or injury to such a
27 person after coming to a stop;~~

~~28 as provided for in this section, is guilty of a misdemeanor;~~

~~29 7. Any person other than a blind, deaf or physically handicapped
30 person who uses a blaze orange leash is guilty of a misdemeanor;~~

~~31 8. This section does not apply to any person who is instructing a
32 blind, deaf or physically handicapped person or training a [guide dog,
33 hearing dog, helping dog or other] service animal.~~

~~34 **Section xx NRS 426.515 is hereby repealed.**~~

~~35 NRS 426.515 The failure of a~~

~~36 1. Blind person to carry a white or metallic colored cane or to use a
37 guide dog or other service animal or a blaze orange leash;~~

~~38 2. Deaf person to use a hearing dog or other service animal or a
39 blaze orange leash; or~~

~~40 3. Physically handicapped person to use a helping dog or other
41 service animal or a blaze orange leash;~~

~~42 does not constitute contributory negligence per se, but may be admissible
43 as evidence of contributory negligence in a personal injury action by that~~

This new section repeals an existing section of NRS that is considered outdated and archaic.

~~person against a common carrier or any other means of public conveyance or transportation or a place of public accommodation as defined by NRS 651.050 when the injury arises from the blind, deaf or physically handicapped person's making use of the facilities or services offered by the carrier or place of public accommodation.~~

Sec. 16. NRS 426.560 is hereby amended to read as follows:

~~1. Subject to the approval of the Department, the Division shall direct the Bureau to make administrative regulations to enforce the provisions of this chapter related to services for the blind, which regulations must not conflict with the provisions of this chapter.~~

~~2. The regulations must recognize that the needs and problems of blind persons are special to them and may differ materially from the needs and problems of other persons.~~

~~3. For the purposes of NRS 426.085 and 426.091, the Division may provide by regulation for the approval of schools for guide dogs and schools for hearing dogs.~~

Sec. 17. NRS 426.790 is hereby amended to read as follows:

426.790 1. ~~A person shall not willfully and maliciously:~~

- ~~(a) Interfere with;~~
- ~~(b) Harass or intimidate;~~
- ~~(c) Beat; or~~
- ~~(d) Kill;~~

~~a guide dog, hearing dog, helping dog or other service animal.~~

~~2. Any} It is unlawful for a person, without legal justification, to interfere with, or to allow a dog he owns, harbors or controls to interfere with, the use of a service animal by obstructing, intimidating or otherwise jeopardizing the safety of the service animal or the person using the service animal.~~

~~2. A person who violates {:~~

- ~~(a) Paragraph (a)} the provisions of subsection 1 :~~
- ~~(a) For a first violation, is guilty of a misdemeanor.~~
- ~~(b) {Paragraph (b) of subsection 1} For a second or subsequent violation, is guilty of a gross misdemeanor.~~
- ~~(c) {Paragraph (c) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~
- ~~(d) Paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.} In addition to any criminal penalty that may be imposed, is civilly liable to the person against whom the violation was committed as provided in section 8 of this act.~~

Sec. 18. NRS 484.328 is hereby amended to read as follows:

484.328 1. A ~~blind~~ person who is on foot and using a ~~guide dog or other~~ service animal or an appliance to accommodate his disability, including but not limited to ~~carrying~~ a cane or walking stick white in

Section 16 is proposed for deletion because it is believed to be archaic and outdated.

These proposed amendments broaden the applicability of this section to all disabled persons.

1 color, or white tipped with red, has the right-of-way when entering or
2 when on a highway, street or road of this state. Any driver of a vehicle
3 who approaches or encounters such a ~~blind~~ person with a disability shall
4 yield the right-of-way, come to a full stop, if necessary, and take
5 precautions before proceeding to avoid accident or injury to the ~~blind~~
6 person with a disability.

7 2. Any person who violates subsection 1 *is guilty of a gross*
8 *misdemeanor and* shall be punished by imprisonment in the county jail for
9 not more than 6 months or by a fine of not less than ~~[\$100 nor]~~ *\$500 and*
10 *not more than* ~~[\$500,]~~ *\$2,500, or by both fine and imprisonment.*

11 **Sec. 19.** NRS 574.615 is hereby amended to read as follows:

12 574.615 1. "Pet" means an animal that is kept by a person primarily
13 for ~~companionship or~~ personal enjoyment.

14 2. The term does not include an animal that is kept by a person
15 primarily for:

- 16 (a) Hunting;
- 17 (b) Use in connection with farming or agriculture;
- 18 (c) Breeding;
- 19 (d) Drawing heavy loads; or
- 20 (e) Use as a ~~[guide dog, hearing dog, helping dog or other]~~ service
- 21 animal, *or a service animal in training as those terms are* ~~that term is~~
- 22 defined in ~~[chapter 426 of NRS.]~~ *NRS 426.097 and NRS 426.xxx.*

23 **Sec. 20.** NRS 613.330 is hereby amended to read as follows:

24 613.330 1. Except as otherwise provided in NRS 613.350, it is an
25 unlawful employment practice for an employer:

- 26 (a) To fail or refuse to hire or to discharge any person, or otherwise to
- 27 discriminate against any person with respect to his compensation, terms,
- 28 conditions or privileges of employment, because of his race, color,
- 29 religion, sex, sexual orientation, age, disability or national origin; or
- 30 (b) To limit, segregate or classify an employee in a way which would
- 31 deprive or tend to deprive him of employment opportunities or otherwise
- 32 adversely affect his status as an employee, because of his race, color,
- 33 religion, sex, sexual orientation, age, disability or national origin.

34 2. It is an unlawful employment practice for an employment agency
35 to:

- 36 (a) Fail or refuse to refer for employment, or otherwise to discriminate
- 37 against, any person because of the race, color, religion, sex, sexual
- 38 orientation, age, disability or national origin of that person; or
- 39 (b) Classify or refer for employment any person on the basis of the
- 40 race, color, religion, sex, sexual orientation, age, disability or national
- 41 origin of that person.

42 3. It is an unlawful employment practice for a labor organization:

- 43 (a) To exclude or to expel from its membership, or otherwise to
- 44 discriminate against, any person because of his race, color, religion, sex,
- 45 sexual orientation, age, disability or national origin;

This amendment recognizes that there are disabilities that relate to companionship and therefore this definition of pet is too broad.

Adds service animals in training to the exclusions in the definition of pet.

M9 of 16

1 (b) To limit, segregate or classify its membership, or to classify or fail
2 or refuse to refer for employment any person, in any way which would
3 deprive or tend to deprive him of employment opportunities, or would
4 limit his employment opportunities or otherwise adversely affect his status
5 as an employee or as an applicant for employment, because of his race,
6 color, religion, sex, sexual orientation, age, disability or national origin; or

7 (c) To cause or attempt to cause an employer to discriminate against
8 any person in violation of this section.

9 4. It is an unlawful employment practice for any employer, labor
10 organization or joint labor-management committee controlling
11 apprenticeship or other training or retraining, including, without limitation,
12 on-the-job training programs, to discriminate against any person because
13 of his race, color, religion, sex, sexual orientation, age, disability or
14 national origin in admission to, or employment in, any program established
15 to provide apprenticeship or other training.

16 5. It is an unlawful employment practice for any employer,
17 employment agency, labor organization or joint labor-management
18 committee to discriminate against a person with a disability ~~physical,~~
19 ~~aural or visual disabilities~~ by interfering, directly or indirectly, with the use
20 of an aid or appliance, including, without limitation, a ~~{guide dog, hearing~~
21 ~~dog, helping dog or other}~~ service animal or service animal in training .
22 by such a person.

23 6. It is an unlawful employment practice for an employer, directly or
24 indirectly, to refuse to permit an employee with a ~~visual or aural~~ disability
25 to keep his ~~{guide dog, hearing dog or other}~~ service animal or service
26 animal in training with him at all times in his place of employment.

27 7. ~~{For the purposes of}~~ *As used in this section, {the terms "guide*
28 *dog," "hearing dog," "helping dog" and} "service animal" {have the*
29 *meanings} has the meaning ascribed to {them respectively} it in NRS*
30 *{426.075, 426.081, 426.083 and} 426.097 and service animal in training*
31 *has the meaning ascribed to it in NRS 426.xxx.*

32 **Sec. 21.** NRS 651.075 is hereby amended to read as follows:

33 651.075 1. It is unlawful ~~{for}~~ *to deny admittance or access to a*
34 *place of public accommodation, or to deny the provision of any goods or*
35 *services, the use of any facility or accommodation, or the exercise of any*
36 *privilege or advantage in a place of public accommodation, to {*

37 ~~(a) Refuse admittance or service to a person with a visual, aural or~~
38 ~~physical disability because he is accompanied by a guide dog, hearing dog,~~
39 ~~helping dog or other service animal.~~

40 ~~(b) Refuse admittance or service to a person training such an animal.~~

41 ~~(c) Refuse to permit an employee of the place of public~~
42 ~~accommodation who is training such an animal to bring the animal into:~~

43 ~~(1) The place of public accommodation; or~~

These amendments are proposed to broaden the definition of disability and to include service animals in training where appropriate.

M 10 of 16

1 ~~(2) Any area within the place of public accommodation to which~~
2 ~~employees of the place have access, regardless of whether the area is open~~
3 ~~to the public.~~

4 ~~(d) Refuse admittance or service to a person because he is} a person~~
5 ~~who:~~

- 6 (a) *Has a disability;*
- 7 (b) *Has a disability and is accompanied by a service animal;*
- 8 (c) *Is accompanied by a service animal in training; or*
- 9 (d) *Is accompanied by a police dog.*

10 ~~{(e) Charge}~~

11 2. *It is unlawful in a place of public accommodation to segregate a*
12 *person who:*

- 13 (a) *Has a disability;*
- 14 (b) *Has a disability and is accompanied by a service animal; or*
- 15 (c) *Is accompanied by a service animal in training,*

16 *from the general public or from any other person or party by whom he is*
17 *accompanied in an effort to provide any access, accommodation or*
18 *service, including, without limitation, the provision of segregated seating*
19 *in specific areas of places to which the general public is invited that*
20 *provide entertainment or in which a public event is presented.*

21 3. *It is unlawful in a place of public accommodation to charge an*
22 *additional fee for {such an animal.*

23 ~~2. A place of accommodation may require proof that an animal is a~~
24 ~~guide dog, hearing dog, helping dog or other service animal, or that a~~
25 ~~person is training such an animal. This requirement may be satisfied, by~~
26 ~~way of example and not of limitation, by exhibition of the identification~~
27 ~~card normally presented to a trainer of such an animal or to a person with a~~
28 ~~visual, aural or physical disability upon his graduation from a school for~~
29 ~~guide dogs, school for hearing dogs, school for helping dogs or other~~
30 ~~school that is approved by the Rehabilitation Division of the Department~~
31 ~~of Employment, Training and Rehabilitation to train a service animal to~~
32 ~~provide a specialized service to a handicapped person.~~

33 ~~3. A guide dog, hearing dog, helping dog or other} a service animal,~~
34 ~~service animal in training or police dog.~~

35 4. *A service animal or service animal in training may not be*
36 *presumed dangerous by reason of the fact it is not muzzled.*

37 ~~{4.}~~ 5. This section does not relieve:

38 (a) A person with a disability *who is accompanied by a service animal*
39 *or a person who trains {such an} a service animal from liability for damage*
40 *caused by {his guide dog, hearing dog, helping dog or other} the service*
41 *animal {;} or service animal in training.*

42 (b) A person who is accompanied by a police dog from liability for
43 damage caused by the police dog.

44 ~~{5.}~~ 6. Persons with disabilities who are accompanied by ~~{guide dogs,~~
45 ~~hearing dogs, helping dogs or other} service animals or service animals in~~

This proposed amendment adds a prohibition against separating a disabled person from the party by whom he or she may be accompanied.

1 training are subject to the same conditions and limitations that apply to
2 persons who are not so disabled and accompanied.

3 ~~{6.}~~ 7. Persons who are accompanied by police dogs are subject to the
4 same conditions and limitations that apply to ~~{person}~~ persons who are not
5 so accompanied.

6 ~~{7. For the purposes of}~~

7 8. Any person, including, without limitation, any firm, association
8 or corporation, who violates the provisions of this section:

9 (a) Is guilty of a gross misdemeanor and shall be punished by a fine
10 of not less than \$500 and not more than \$2,500; and

11 (b) In addition to any criminal penalty that may be imposed, is civilly
12 liable to the person against whom the violation was committed as
13 provided in section 8 of this act.

14 9. As used in this section:

15 (a) ~~{The terms "guide dog," "hearing dog," "helping dog" and "service~~
16 ~~animal" have the meanings ascribed to them respectively in NRS 426.075,~~
17 ~~426.081, 426.083 and 426.097.~~

18 ~~{(b)}~~ "Police dog" means a dog which is owned by a state or local
19 governmental agency and which is used by a peace officer in performing
20 his duties as a peace officer.

21 (b) "Service animal" has the meaning ascribed to it in
22 NRS 426.097.

23 (c) "Service animal in training" has the meaning ascribed to it in
24 section 2 of this act.

25 Sec. 22. NRS 651.080 is hereby amended to read as follows:

26 651.080 1. Any person is guilty of a misdemeanor who:

27 (a) Withholds, denies, deprives or attempts to withhold, deny or
28 deprive any other person of any right or privilege secured by NRS 651.070
29 ; ~~{or 651.075;}~~

30 (b) Intimidates, threatens, coerces or attempts to threaten, intimidate or
31 coerce any other person for the purpose of interfering with any right or
32 privilege secured by NRS 651.070 ; ~~{or 651.075;}~~ or

33 (c) Punishes or attempts to punish any other person for exercising or
34 attempting to exercise any right or privilege secured by NRS 651.070 . ~~{or~~
35 ~~651.075;}~~

36 2. A prosecution for violation of a local ordinance authorized by NRS
37 651.100 is a bar to any prosecution pursuant to this section.

38 Sec. 23. NRS 651.090 is hereby amended to read as follows:

39 651.090 1. Any person who:

40 (a) Withholds, denies, deprives or attempts to withhold, deny or
41 deprive any other person of any right or privilege secured by NRS 651.070
42 ; ~~{or 651.075;}~~

43 (b) Intimidates, threatens, coerces or attempts to threaten, intimidate or
44 coerce any other person for the purpose of interfering with any right or
45 privilege secured by NRS 651.070 ; ~~{or 651.075;}~~ or

M 12 of 16

1 (c) Punishes or attempts to punish any other person for exercising or
2 attempting to exercise any right or privilege secured by NRS 651.070 , ~~for~~
3 ~~651.075,~~

4 is liable to the person whose rights pursuant to NRS 651.070 ~~for 651.075~~
5 are affected for actual damages, to be recovered by a civil action in a court
6 in and for the county in which the infringement of civil rights occurred or
7 in which the defendant resides.

8 2. In an action brought pursuant to this section, the court may:

9 (a) Grant any equitable relief it considers appropriate, including
10 temporary, preliminary or permanent injunctive relief, against the
11 defendant.

12 (b) Award costs and reasonable attorney's fees to the prevailing party.

13 Sec. 24. NRS 651.100 is hereby amended to read as follows:

14 651.100 Any county or incorporated city of this state may adopt a
15 local ordinance prohibiting infringement of the rights or privileges secured
16 by NRS 651.070 , ~~for 651.075,~~ but such an ordinance must not apply to
17 any establishment outside the scope of NRS 651.050 and 651.060 or
18 impose a penalty more severe than that provided by NRS ~~651.075 or~~
19 651.080. A prosecution pursuant to NRS ~~651.075 or~~ 651.080 is a bar to
20 any prosecution pursuant to an ordinance authorized by this section.

21 Sec. 25. NRS 651.120 is hereby amended to read as follows:

22 651.120 A criminal or civil action authorized by NRS ~~651.075,~~
23 651.080, 651.090 or 651.100 may not be brought after the expiration of 1
24 year from the date of the act complained of. When a complaint is filed with
25 the Nevada Equal Rights Commission pursuant to NRS 651.110, the
26 limitation provided by this section is tolled as to any action authorized by
27 NRS ~~651.075,~~ 651.080, 651.090 or 651.100 during the pendency of such
28 complaint before the Commission. For the purposes of this section, a
29 complaint is pending before the Commission until the time expires for
30 filing a petition for judicial review of the final decision of the Commission
31 on the complaint or, if proceedings for such review are instituted, then
32 until the proceedings are completed.

33 Sec. 26. NRS 704.145 is hereby amended to read as follows:

34 704.145 1. It is unlawful ~~for~~ to deny admittance or access to a
35 common carrier or other means of public conveyance or transportation
36 operating in this state or to deny the provision of any goods or services,
37 the use of any facility or accommodation, or the exercise of any privilege
38 or advantage on a common carrier or other means of public conveyance
39 or transportation operating in this state, including an airline operating
40 in or traveling through this state to ~~;~~

41 ~~(a) Refuse service to a visually, aurally or physically handicapped~~
42 ~~person because he is accompanied by a guide dog, hearing dog, helping~~
43 ~~dog or other service animal;~~

Although the parties who proposed this amendment recognize that it is unenforceable against airlines engaged in interstate commerce, it is proposed for inclusion to make a policy statement.

Because it is not enforceable, the Committee should consider omitting this portion of the proposed amendment.

1 ~~(b) Refuse service to a person who is training a guide dog, hearing dog,~~
 2 ~~helping dog or other service animal because he is accompanied by such an~~
 3 ~~animal; or~~
 4 ~~(c) Charge} a person who:~~
 5 ~~(a) Has a disability;~~
 6 ~~(b) Has a disability and is accompanied by a service animal; or~~
 7 ~~(c) Is accompanied by a service animal in training.~~
 8 **2. It is unlawful on a common carrier or other means of public**
 9 **conveyance or transportation operating in this state including an airline**
 10 **operating in or traveling through this state to charge an additional fee fo**
 11 **such an animal.**
 12 ~~2.} a service animal or service animal in training.~~
 13 **3. This section does not relieve a {visually, aurally or physically**
 14 **handicapped} person who has a disability and who is accompanied by a**
 15 **service animal, or a person who trains a {guide dog, hearing dog, helping**
 16 **dog or other} service animal from liability for damage which may be**
 17 **caused by {his animal}.**
 18 ~~3. Visually, aurally or physically handicapped persons accompanied~~
 19 ~~by guide dogs, hearing dogs, helping dogs or other} the service animal or~~
 20 ~~service animal in training.~~
 21 **4. Persons with disabilities who are accompanied by service animals**
 22 **or service animals in training on common carriers or other means of**
 23 **public conveyance or transportation operating in this state are subject to**
 24 **the same conditions and limitations that apply to persons who are not so**
 25 **{handicapped} disabled and accompanied.**
 26 ~~4. For the purposes of}~~
 27 **5. Any person, including, without limitation, any firm, association**
 28 **or corporation, who violates any provision of this section:**
 29 **(a) Is guilty of a gross misdemeanor and shall be punished by a fine**
 30 **of not less than \$500 and not more than \$2,500; and**
 31 **(b) In addition to any criminal penalty that may be imposed, is civilly**
 32 **liable to the person against whom the violation was committed as**
 33 **provided in section 8 of this act.**
 34 **6. As used in this section {, the terms "guide dog," "hearing dog,"**
 35 **"helping dog" and "service animal" have the meanings} :**
 36 **(a) "Service animal" has the meaning ascribed to {them respectively}**
 37 **it in NRS {426.075, 426.081, 426.083 and} 426.097.**
 38 **(b) "Service animal in training" has the meaning ascribed to it in**
 39 **section 2 of this act.**
 40 **Sec. 27. NRS 706.366 is hereby amended to read as follows:**
 41 **706.366 1. It is unlawful {for} to deny admittance or access to a**
 42 **common motor carrier of passengers or other means of public conveyance**
 43 **or transportation operating in this state , or to deny the provision of any**
 44 **goods or services, the use of any facility or accommodation, or the**
 45 **exercise of any privilege or advantage on a common motor carrier of**

Although the parties who proposed this amendment recognize that it is unenforceable against airlines engaged in interstate commerce, it is proposed for inclusion to make a policy statement.

Because it is not enforceable, the Committee should consider omitting this portion of the proposed amendment

M14 of 16

1 *passengers or other means of public conveyance or transportation*
2 *operating in this state, to, including an airline operating in or traveling*
3 *through this state* ~~;~~

4 ~~— (a) Refuse service to a visually, aurally or physically handicapped~~
5 ~~person because he is accompanied by a guide dog, hearing dog, helping~~
6 ~~dog or other service animal;~~

7 ~~— (b) Refuse service to a person who is training a guide dog, hearing dog,~~
8 ~~helping dog or other service animal because he is accompanied by such an~~
9 ~~animal; or~~

10 ~~— (c) Charge} a person who:~~

11 ~~(a) Has a disability;~~

12 ~~(b) Has a disability and is accompanied by a service animal; or~~

13 ~~(c) Is accompanied by a service animal in training.~~

14 2. *It is unlawful on a common motor carrier of passengers or other*
15 *means of public conveyance or transportation operating in this*
16 *state, including an airline operating in or traveling through this state, to*
17 *charge an additional fee for* ~~{such an animal.~~

18 ~~— 2.} a service animal or service animal in training.~~

19 3. This section does not relieve a ~~{visually, aurally or physically~~
20 ~~handicapped} person who has a disability and who is accompanied by a~~
21 ~~service animal, or a person who trains a {guide dog, hearing dog, helping~~
22 ~~dog or other} service animal from liability for damage which may be~~
23 ~~caused by {his animal.~~

24 ~~— 3. Visually, aurally or physically handicapped persons accompanied~~
25 ~~by guide dogs, hearing dogs, helping dogs or other} the service animal or~~
26 ~~service animal in training.~~

27 4. *Persons with disabilities who are accompanied by service animals*
28 *or service animals in training on common motor carriers of passengers*
29 *or other means of public conveyance or transportation operating in this*
30 *state are subject to the same conditions and limitations that apply to*
31 *persons who are not so* ~~{handicapped} disabled and accompanied.~~

32 ~~{4. For the purposes of}~~

33 5. *Any person, including, without limitation, any firm, association*
34 *or corporation, who violates the provisions of this section:*

35 *(a) Is guilty of a gross misdemeanor and shall be punished by a fine*
36 *of not less than \$500 and not more than \$2,500; and*

37 *(b) In addition to any criminal penalty that may be imposed, is civilly*
38 *liable to the person against whom the violation was committed as*
39 *provided in section 8 of this act.*

40 6. *As used in this section* ~~{, the terms “guide dog,” “hearing dog,”~~
41 ~~“helping dog” and “service animal” have the meanings} :~~

42 *(a) “Service animal” has the meaning ascribed to* ~~{them respectively}~~
43 *it in NRS* ~~{426.075, 426.081, 426.083 and} 426.097.~~

44 *(b) “Service animal in training” has the meaning ascribed to it in*
45 *section 2 of this act.*

See earlier explanations and consider omitting.

M 15 of 16

1 **Sec. 28.** NRS 118.105 is hereby repealed.

2 **Sec. 29.** ~~The Rehabilitation Division of the Department of~~
3 ~~Employment, Training and Rehabilitation shall adopt the regulations~~
4 ~~required by section 9 of this act as soon as practicable after the effective~~
5 ~~date of this section to provide for the licensing of persons who train service~~
6 ~~animals on and after January 1, 2004.~~

7 **Sec. 30.** 1. ~~This section and sections 9 and 29 of this act become~~
8 ~~effective upon passage and approval.~~

9 ~~2. Sections 1 to 8, inclusive, and 10 to 28, inclusive, of this act~~
10 ~~become effective on January 1, 2004.~~ July 1, 2003.

Consistent with the proposed deletion of DETR's role in regulating service animal trainers, this section is proposed for deletion.

TEXT OF REPEALED SECTION

118.105 Refusal to rent dwelling because of service animal prohibited.

1. A landlord may not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS solely because a guide dog, hearing dog, helping dog or other service animal will be residing with the prospective tenant in the dwelling.

2. A landlord may require proof that an animal is a guide dog, hearing dog, helping dog or other service animal. This requirement may be satisfied, by way of example and not of limitation, by exhibition of the identification card normally presented to a person with a disability upon his graduation from a school for guide dogs, school for hearing dogs, school for helping dogs or school for other service animals.

3. For the purposes of this section:

(a) The terms "guide dog," "hearing dog," "helping dog," "school for guide dogs," "school for hearing dogs" and "school for helping dogs" have the meanings ascribed to them respectively in NRS 426.075 to 426.097, inclusive.

(b) "Service animal" means an animal which has been or is being trained to provide a specialized service to a person with a disability.

Since DETR need no longer adopt regulations, the bill may become effective without delay.

H

M16 of 16