
ASSEMBLY BILL NO. 332—ASSEMBLYMEN ARBERRY,
GIUNCHIGLIANI, ANDERSON, MANENDO, PARKS,
ANDONOV, ATKINSON, BEERS, BUCKLEY, CHOWNING,
CLABORN, COLLINS, CONKLIN, GIBBONS, GOLDWATER,
HORNE, KOIVISTO, MABEY, MCCLAIN, MORTENSON,
OCEGUERA, OHRENSCHALL, PERKINS AND WILLIAMS

MARCH 14, 2003

JOINT SPONSOR: SENATOR CARLTON

Referred to Concurrent Committees on Government
Affairs and Ways and Means

SUMMARY—Makes various changes relating to service animals.
(BDR 38-1)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to service animals; prohibiting certain acts concerning service animals; providing criminal and civil liability for violations; requiring the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to adopt regulations requiring the licensing of persons who train service animals; requiring the establishment of a reasonable fee for the issuance of such a license; revising certain provisions governing service animals; providing a penalty; and providing other matters properly relating thereto.

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
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *“Service animal in training” means an animal that is*
5 *being trained in obedience and socialization by exposure to the*
6 *activities of everyday life in preparation for the advanced training*
7 *required to become a service animal.*

8 **Sec. 3. 1.** *It is unlawful for a person knowingly and*
9 *fraudulently to misrepresent, through verbal or written notice, any*
10 *animal as being considered, qualified or identified as a service*
11 *animal or service animal in training.*

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

14 **(1)** *By a fine of not less than \$500 and not more than*
15 *\$2,500; or*

16 **(2)** *If the violation is intentional, by imprisonment in the*
17 *county jail for not more than 1 year or by a fine of not more than*
18 *\$5,000, or by both fine and imprisonment; and*

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

22 **3.** *In addition to any other penalty, the court shall order a*
23 *person convicted of a violation of subsection 1 to pay restitution to*
24 *the person who has the disability or the person who has custody or*
25 *ownership of the service animal or service animal in training for*
26 *any veterinary bills, and for the replacement cost of the service*
27 *animal or service animal in training if it was killed or disabled or*
28 *has become mentally or physically unable to perform its duties.*
29 *The restitution must cover all costs for aides, assistance,*
30 *transportation and other hardships incurred during the absence,*
31 *and until the replacement, of the service animal or service animal*
32 *in training.*

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

36 **2.** *It shall be deemed a denial of equal access to a housing*
37 *accommodation for any person, including, without limitation, any*
38 *firm, association or corporation:*

39 **(a)** *To refuse to lease or rent a housing accommodation to a*
40 *person who has a disability or trains service animals on the basis*
41 *that he uses or is accompanied by a service animal or service*
42 *animal in training;*

43 **(b)** *To restrict a person who has a disability or trains service*
44 *animals from keeping a service animal or service animal in*
45 *training on the premises; or*



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

4 3. *This section does not prevent the owner of a housing*
5 *accommodation or his agent from establishing terms in a lease or*
6 *rental agreement that reasonably regulate the presence of service*
7 *animals or service animals in training on the premises of the*
8 *housing accommodation, except that no such term may restrict the*
9 *normal performance of duty of a service animal or a service*
10 *animal in training.*

11 4. *A person who has a disability or trains service animals and*
12 *keeps a service animal or service animal in training on the*
13 *premises of a housing accommodation shall ensure that the*
14 *service animal or service animal in training is:*

15 (a) *Kept on a leash or tether while in any area of the housing*
16 *accommodation that is generally accessible to other tenants;*

17 (b) *Obedient and under control;*

18 (c) *Kept clean and presentable; and*

19 (d) *Tagged or otherwise identified as a service animal or*
20 *service animal in training.*

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

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

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

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

33 7. *This section does not impose any limitation on access to*
34 *any person in violation of the Americans with Disabilities Act of*
35 *1990, 42 U.S.C. §§ 12101 et seq. or the Fair Housing Act of 1968,*
36 *42 U.S.C. §§ 3601 et seq.*

37 **Sec. 8. 1.** *In addition to any criminal penalty that may be*
38 *imposed, any person, including, without limitation, any firm,*
39 *association or corporation, who violates any provision of NRS*
40 *426.790, 651.075, 704.145 or 706.366, or sections 4 to 7, inclusive,*
41 *of this act is civilly liable to the person against whom the violation*
42 *was committed for:*

43 (a) *Actual damages;*

44 (b) *Such punitive damages as may be determined by a jury, or*
45 *by a court sitting without a jury, which must not be more than*



1 *three times the amount of actual damages, except that in no case*
2 *may the punitive damages be less than \$750; and*

3 (c) *Reasonable attorney’s fees as determined by the court.*
4 2. *The remedies provided in this section are nonexclusive and*
5 *are in addition to any other remedy provided by law, including,*
6 *without limitation, any action for injunctive or other equitable*
7 *relief available to the aggrieved person or brought in the name of*
8 *the people of this state or the United States.*

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

13 2. *The regulations must, without limitation, include*
14 *provisions:*

15 (a) *Establishing the qualifications for such a license;*
16 (b) *Providing for the issuance and annual renewal of such a*
17 *license;*

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

20 (d) *Requiring an applicant for such a license to file with the*
21 *Division a bond that is in an amount determined appropriate by*
22 *the Division, issued by a surety insurer authorized to transact such*
23 *insurance in this state and conditioned as required by the*
24 *Division.*

25 3. *The regulations must not include provisions:*

26 (a) *Authorizing the licensure by reciprocity of a person who*
27 *holds a similar license in another jurisdiction; or*

28 (b) *Exempting established and previously approved schools for*
29 *guide dogs, schools for hearing dogs or schools for helping dogs*
30 *from compliance with the requirements for licensing set forth in*
31 *the regulations.*

32 **Sec. 10.** NRS 426.031 is hereby amended to read as follows:
33 426.031 As used in this chapter, unless the context otherwise
34 requires, the words and terms defined in NRS 426.041 to 426.097,
35 inclusive, *and section 2 of this act* have the meanings ascribed to
36 them in those sections.

37 **Sec. 11.** NRS 426.085 is hereby amended to read as follows:
38 426.085 “School for guide dogs” means a school which trains
39 dogs to be guide dogs and which is ~~approved~~ *licensed* by the
40 Division.

41 **Sec. 12.** NRS 426.091 is hereby amended to read as follows:
42 426.091 “School for hearing dogs” means a school which
43 trains dogs to be hearing dogs and which is ~~approved~~ *licensed* by
44 the Division.



1 **Sec. 13.** NRS 426.095 is hereby amended to read as follows:
2 426.095 “School for helping dogs” means a school which
3 trains dogs to be helping dogs and which is ~~approved~~ *licensed* by
4 the Division.

5 **Sec. 14.** NRS 426.097 is hereby amended to read as follows:
6 426.097 “Service animal” means an animal which has been ~~for~~
7 ~~is being~~ trained to provide a specialized service to a ~~handicapped~~
8 person *who has a disability* by a ~~school that is approved~~ *person*
9 *who is licensed* by the Division to train ~~such an animal.~~ *service*
10 *animals and includes, without limitation, a guide dog, hearing dog*
11 *and helping dog.*

12 **Sec. 15.** NRS 426.510 is hereby amended to read as follows:
13 426.510 1. Except as otherwise provided in subsections 2, 3
14 and 4, a person shall not:

15 (a) Use a ~~guide dog, hearing dog, helping dog or other~~ service
16 animal or a blaze orange leash; or

17 (b) Carry or use on any street or highway or in any other public
18 place a cane or walking stick which is white or metallic in color, or
19 white tipped with red.

20 2. A blind person may use a guide dog or other service animal,
21 a blaze orange leash and a cane or walking stick which is white or
22 metallic in color, or white tipped with red.

23 3. A deaf person may use a hearing dog or other service animal
24 and a blaze orange leash.

25 4. A physically handicapped person may use a helping dog or
26 other service animal and a blaze orange leash.

27 5. Any pedestrian who approaches or encounters a *blind* person
28 using a guide dog or other service animal or carrying a cane or
29 walking stick white or metallic in color, or white tipped with red,
30 shall immediately come to a full stop and take such precautions
31 before proceeding as may be necessary to avoid accident or injury to
32 the blind person.

33 6. Any person other than a blind person who:

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

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

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

43 (d) Fails to take precaution against accident or injury to such a
44 person after coming to a stop,
45 as provided for in this section, is guilty of a misdemeanor.



1 7. Any person other than a blind, deaf or physically
2 handicapped person who uses a blaze orange leash is guilty of a
3 misdemeanor.

4 8. This section does not apply to any person who is instructing
5 a blind, deaf or physically handicapped person or training a ~~guide
6 dog, hearing dog, helping dog or other~~ service animal.

7 **Sec. 16.** NRS 426.560 is hereby amended to read as follows:
8 426.560 1. Subject to the approval of the Department, the
9 Division shall direct the Bureau to make administrative regulations
10 to enforce the provisions of this chapter related to services for the
11 blind, which regulations must not conflict with the provisions of this
12 chapter.

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

16 ~~[3.—For the purposes of NRS 426.085 and 426.091, the Division
17 may provide by regulation for the approval of schools for guide
18 dogs and schools for hearing dogs.]~~

19 **Sec. 17.** NRS 426.790 is hereby amended to read as follows:
20 426.790 1. ~~[A person shall not willfully and maliciously:~~

- 21 ~~—(a) Interfere with;~~
- 22 ~~—(b) Harass or intimidate;~~
- 23 ~~—(c) Beat; or~~
- 24 ~~—(d) Kill,~~

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

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

31 2. A person who violates ~~§~~

32 ~~—(a) Paragraph (a)] the provisions~~ of subsection 1 :

33 (a) *For a first violation,* is guilty of a misdemeanor.

34 (b) ~~[Paragraph (b) of subsection 1]~~ *For a second or subsequent*
35 *violation,* is guilty of a gross misdemeanor.

36 (c) ~~[Paragraph (c) of subsection 1 is guilty of a category D~~
37 ~~felony and shall be punished as provided in NRS 193.130.~~

38 ~~—(d) Paragraph (d) of subsection 1 is guilty of a category C felony~~
39 ~~and shall be punished as provided in NRS 193.130.] In addition to~~
40 ~~any criminal penalty that may be imposed, is civilly liable to the~~
41 ~~person against whom the violation was committed as provided in~~
42 ~~section 8 of this act.~~

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

44 484.328 1. A blind person who is on foot and using a guide
45 dog or other service animal or carrying a cane or walking stick



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

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

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

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

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

- 17 (a) Hunting;
- 18 (b) Use in connection with farming or agriculture;
- 19 (c) Breeding;
- 20 (d) Drawing heavy loads; or
- 21 (e) Use as a ~~[guide dog, hearing dog, helping dog or other]~~
22 service animal, as ~~[those terms are]~~ *that term is* defined in ~~[chapter~~
23 ~~426 of NRS.] NRS 426.097.~~

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

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

27 (a) To fail or refuse to hire or to discharge any person, or
28 otherwise to discriminate against any person with respect to his
29 compensation, terms, conditions or privileges of employment,
30 because of his race, color, religion, sex, sexual orientation, age,
31 disability or national origin; or

32 (b) To limit, segregate or classify an employee in a way which
33 would deprive or tend to deprive him of employment opportunities
34 or otherwise adversely affect his status as an employee, because of
35 his race, color, religion, sex, sexual orientation, age, disability or
36 national origin.

37 2. It is an unlawful employment practice for an employment
38 agency to:

39 (a) Fail or refuse to refer for employment, or otherwise to
40 discriminate against, any person because of the race, color, religion,
41 sex, sexual orientation, age, disability or national origin of that
42 person; or

43 (b) Classify or refer for employment any person on the basis of
44 the race, color, religion, sex, sexual orientation, age, disability or
45 national origin of that person.



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

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

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

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

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

22 5. It is an unlawful employment practice for any employer,
23 employment agency, labor organization or joint labor-management
24 committee to discriminate against a person with physical, aural or
25 visual disabilities by interfering, directly or indirectly, with the use
26 of an aid or appliance, including, without limitation, a ~~[guide dog,~~
27 ~~hearing dog, helping dog or other]~~ service animal, by such a person.

28 6. It is an unlawful employment practice for an employer,
29 directly or indirectly, to refuse to permit an employee with a visual
30 or aural disability to keep his ~~[guide dog, hearing dog or other]~~
31 service animal with him at all times in his place of employment.

32 7. ~~[[For the purposes of] As used in~~ this section, ~~[the terms~~
33 ~~“guide dog,” “hearing dog,” “helping dog” and]~~ “service animal”
34 ~~[have the meanings]~~ *has the meaning* ascribed to ~~[them~~
35 ~~respectively]~~ *it* in NRS ~~[426.075, 426.081, 426.083 and]~~ 426.097.

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

37 651.075 1. It is unlawful ~~[for]~~ *to deny admittance or access*
38 *to* a place of public accommodation , *or to deny the provision of*
39 *any goods or services, the use of any facility or accommodation, or*
40 *the exercise of any privilege or advantage in a place of public*
41 *accommodation, to [:*

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



- 1 ~~—(b) Refuse admittance or service to a person training such an~~
2 ~~animal.~~
- 3 ~~—(c) Refuse to permit an employee of the place of public~~
4 ~~accommodation who is training such an animal to bring the animal~~
5 ~~into:~~
- 6 ~~—(1) The place of public accommodation; or~~
7 ~~—(2) Any area within the place of public accommodation to~~
8 ~~which employees of the place have access, regardless of whether the~~
9 ~~area is open to the public.~~
- 10 ~~—(d) Refuse admittance or service to a person because he is] a~~
11 ~~person who:~~
- 12 (a) *Has a disability;*
13 (b) *Has a disability and is accompanied by a service animal;*
14 (c) *Is accompanied by a service animal in training; or*
15 (d) *Is accompanied by a police dog.*
- 16 ~~[(e) Charge]~~
- 17 2. *It is unlawful in a place of public accommodation to*
18 *segregate a person who:*
- 19 (a) *Has a disability;*
20 (b) *Has a disability and is accompanied by a service animal; or*
21 (c) *Is accompanied by a service animal in training,*
22 *from the general public or from any other person by whom he is*
23 *accompanied in an effort to provide any access, accommodation or*
24 *service, including, without limitation, the provision of segregated*
25 *seating in specific areas of places to which the general public is*
26 *invited that provide entertainment or in which a public event is*
27 *presented.*
- 28 3. *It is unlawful in a place of public accommodation to*
29 *charge an additional fee for [such an animal.*
- 30 ~~—2. A place of accommodation may require proof that an animal~~
31 ~~is a guide dog, hearing dog, helping dog or other service animal, or~~
32 ~~that a person is training such an animal. This requirement may be~~
33 ~~satisfied, by way of example and not of limitation, by exhibition of~~
34 ~~the identification card normally presented to a trainer of such an~~
35 ~~animal or to a person with a visual, aural or physical disability upon~~
36 ~~his graduation from a school for guide dogs, school for hearing~~
37 ~~dogs, school for helping dogs or other school that is approved by the~~
38 ~~Rehabilitation Division of the Department of Employment, Training~~
39 ~~and Rehabilitation to train a service animal to provide a specialized~~
40 ~~service to a handicapped person.~~
- 41 ~~—3. A guide dog, hearing dog, helping dog or other] a service~~
42 ~~animal, service animal in training or police dog.~~
- 43 4. *A service animal or service animal in training may not be*
44 *presumed dangerous by reason of the fact it is not muzzled.*
- 45 ~~[4.]~~ 5. *This section does not relieve:*



1 (a) A person with a disability *who is accompanied by a service*
2 *animal* or a person who trains ~~[such an] a service~~ animal from
3 liability for damage caused by ~~[his guide dog, hearing dog, helping~~
4 ~~dog or other]~~ *the service animal [.] or service animal in training.*

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

7 ~~[5.] 6.~~ Persons with disabilities who are accompanied by ~~[guide~~
8 ~~dogs, hearing dogs, helping dogs or other]~~ service animals *or*
9 *service animals in training* are subject to the same conditions and
10 limitations that apply to persons who are not so disabled and
11 accompanied.

12 ~~[6.] 7.~~ Persons who are accompanied by police dogs are subject
13 to the same conditions and limitations that apply to ~~[person]~~ *persons*
14 who are not so accompanied.

15 ~~[7.—For the purposes of]~~
16 *8. Any person, including, without limitation, any firm,*
17 *association or corporation, who violates the provisions of this*
18 *section:*

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

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

24 *9. As used in this section:*

25 (a) ~~[The terms “guide dog,” “hearing dog,” “helping dog” and~~
26 ~~“service animal” have the meanings ascribed to them respectively in~~
27 ~~NRS 426.075, 426.081, 426.083 and 426.097.~~

28 ~~—(b)]~~ “Police dog” means a dog which is owned by a state or
29 local governmental agency and which is used by a peace officer in
30 performing his duties as a peace officer.

31 (b) *“Service animal” has the meaning ascribed to it in*
32 *NRS 426.097.*

33 (c) *“Service animal in training” has the meaning ascribed to it*
34 *in section 2 of this act.*

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

36 651.080 1. Any person is guilty of a misdemeanor who:

37 (a) Withholds, denies, deprives or attempts to withhold, deny or
38 deprive any other person of any right or privilege secured by NRS
39 651.070 ; ~~[or 651.075;]~~

40 (b) Intimidates, threatens, coerces or attempts to threaten,
41 intimidate or coerce any other person for the purpose of interfering
42 with any right or privilege secured by NRS 651.070 ; ~~[or 651.075;]~~
43 or



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

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

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

7 651.090 1. Any person who:

8 (a) Withholds, denies, deprives or attempts to withhold, deny or
9 deprive any other person of any right or privilege secured by NRS
10 651.070 ; ~~for 651.075;~~

11 (b) Intimidates, threatens, coerces or attempts to threaten,
12 intimidate or coerce any other person for the purpose of interfering
13 with any right or privilege secured by NRS 651.070 ; ~~for 651.075;~~
14 or

15 (c) Punishes or attempts to punish any other person for
16 exercising or attempting to exercise any right or privilege secured
17 by NRS 651.070, ~~for 651.075.~~

18 is liable to the person whose rights pursuant to NRS 651.070 ~~for~~
19 ~~651.075~~ are affected for actual damages, to be recovered by a civil
20 action in a court in and for the county in which the infringement of
21 civil rights occurred or in which the defendant resides.

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

23 (a) Grant any equitable relief it considers appropriate, including
24 temporary, preliminary or permanent injunctive relief, against the
25 defendant.

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

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

29 651.100 Any county or incorporated city of this state may
30 adopt a local ordinance prohibiting infringement of the rights or
31 privileges secured by NRS 651.070, ~~for 651.075.~~ but such an
32 ordinance must not apply to any establishment outside the scope of
33 NRS 651.050 and 651.060 or impose a penalty more severe than
34 that provided by NRS ~~651.075 or~~ 651.080. A prosecution pursuant
35 to NRS ~~651.075 or~~ 651.080 is a bar to any prosecution pursuant to
36 an ordinance authorized by this section.

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

38 651.120 A criminal or civil action authorized by NRS
39 ~~651.075,~~ 651.080, 651.090 or 651.100 may not be brought after
40 the expiration of 1 year from the date of the act complained of.
41 When a complaint is filed with the Nevada Equal Rights
42 Commission pursuant to NRS 651.110, the limitation provided by
43 this section is tolled as to any action authorized by NRS ~~651.075,~~
44 651.080, 651.090 or 651.100 during the pendency of such complaint
45 before the Commission. For the purposes of this section, a



1 complaint is pending before the Commission until the time expires
2 for filing a petition for judicial review of the final decision of the
3 Commission on the complaint or, if proceedings for such review are
4 instituted, then until the proceedings are completed.

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

6 704.145 1. It is unlawful ~~{for}~~ *to deny admittance or access*
7 *to* a common carrier or other means of public conveyance or
8 transportation operating in this state , *or to deny the provision of*
9 *any goods or services, the use of any facility or accommodation, or*
10 *the exercise of any privilege or advantage on a common carrier or*
11 *other means of public conveyance or transportation operating in*
12 *this state, to {*

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

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

19 ~~—(c) Charge} a person who:~~

20 (a) *Has a disability;*

21 (b) *Has a disability and is accompanied by a service animal; or*

22 (c) *Is accompanied by a service animal in training.*

23 2. *It is unlawful on a common carrier or other means of*
24 *public conveyance or transportation operating in this state to*
25 *charge an additional fee for {such an animal.*

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

27 3. This section does not relieve a ~~{visually, aurally or~~
28 ~~physically handicapped}~~ person *who has a disability and who is*
29 *accompanied by a service animal,* or a person who trains a ~~{guide~~
30 ~~dog, hearing dog, helping dog or other}~~ service animal from liability
31 for damage which may be caused by ~~{his animal.~~

32 ~~—3. Visually, aurally or physically handicapped persons~~
33 ~~accompanied by guide dogs, hearing dogs, helping dogs or other}~~
34 *the service animal or service animal in training.*

35 4. *Persons with disabilities who are accompanied by* service
36 *animals or service animals in training on common carriers or*
37 *other means of public conveyance or transportation operating in*
38 *this state* are subject to the same conditions and limitations that
39 apply to persons who are not so ~~{handicapped}~~ *disabled* and
40 accompanied.

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

42 5. *Any person, including, without limitation, any firm,*
43 *association or corporation, who violates any provision of this*
44 *section:*



1 (a) *Is guilty of a gross misdemeanor and shall be punished by*
2 *a fine of not less than \$500 and not more than \$2,500; and*
3 (b) *In addition to any criminal penalty that may be imposed, is*
4 *civilly liable to the person against whom the violation was*
5 *committed as provided in section 8 of this act.*

6 6. As used in this section ~~[, the terms “guide dog,” “hearing~~
7 ~~dog,” “helping dog” and “service animal” have the meanings]~~ :

8 (a) “Service animal” has the meaning ascribed to ~~[them~~
9 ~~respectively]~~ it in NRS ~~[426.075, 426.081, 426.083 and]~~ 426.097.

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

12 **Sec. 27.** NRS 706.366 is hereby amended to read as follows:

13 706.366 1. It is unlawful ~~[for]~~ *to deny admittance or access*
14 *to a common motor carrier of passengers or other means of public*
15 *conveyance or transportation operating in this state , or to deny the*
16 *provision of any goods or services, the use of any facility or*
17 *accommodation, or the exercise of any privilege or advantage on a*
18 *common motor carrier of passengers or other means of public*
19 *conveyance or transportation operating in this state, to [:*

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

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

26 ~~—(c) Charge] a person who:~~

27 (a) *Has a disability;*

28 (b) *Has a disability and is accompanied by a service animal; or*

29 (c) *Is accompanied by a service animal in training.*

30 2. *It is unlawful on a common motor carrier of passengers or*
31 *other means of public conveyance or transportation operating in*
32 *this state to charge an additional fee for ~~[such an animal.~~*

33 ~~—2.] a service animal or service animal in training.~~

34 3. This section does not relieve a ~~[visually, aurally or~~
35 ~~physically handicapped]~~ person *who has a disability and who is*
36 *accompanied by a service animal, or a person who trains a [guide*
37 ~~dog, hearing dog, helping dog or other]~~ service animal from liability
38 for damage which may be caused by ~~[his animal.~~

39 ~~—3. Visually, aurally or physically handicapped persons~~
40 ~~accompanied by guide dogs, hearing dogs, helping dogs or other]~~
41 *the service animal or service animal in training.*

42 4. *Persons with disabilities who are accompanied by service*
43 *animals or service animals in training on common motor carriers*
44 *of passengers or other means of public conveyance or*
45 *transportation operating in this state are subject to the same*



1 conditions and limitations that apply to persons who are not so
 2 ~~handicapped~~ *disabled* and accompanied.
 3 ~~[4. For the purposes of]~~
 4 *5. Any person, including, without limitation, any firm,*
 5 *association or corporation, who violates the provisions of this*
 6 *section:*
 7 *(a) Is guilty of a gross misdemeanor and shall be punished by*
 8 *a fine of not less than \$500 and not more than \$2,500; and*
 9 *(b) In addition to any criminal penalty that may be imposed, is*
 10 *civily liable to the person against whom the violation was*
 11 *committed as provided in section 8 of this act.*
 12 *6. As used in this section [the terms "guide dog," "hearing*
 13 *dog," "helping dog" and "service animal" have the meanings]:*
 14 *(a) "Service animal" has the meaning ascribed to [them*
 15 *respectively] it in NRS [426.075, 426.081, 426.083 and] 426.097.*
 16 *(b) "Service animal in training" has the meaning ascribed to it*
 17 *in section 2 of this act.*
 18 **Sec. 28.** NRS 118.105 is hereby repealed.
 19 **Sec. 29.** The Rehabilitation Division of the Department of
 20 Employment, Training and Rehabilitation shall adopt the regulations
 21 required by section 9 of this act as soon as practicable after the
 22 effective date of this section to provide for the licensing of persons
 23 who train service animals on and after January 1, 2004.
 24 **Sec. 30.** 1. This section and sections 9 and 29 of this act
 25 become effective upon passage and approval.
 26 2. Sections 1 to 8, inclusive, and 10 to 28, inclusive, of this act
 27 become effective on January 1, 2004.

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.

