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FIRST REPRINT

A.B. 332

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 persons with disabilities, service animals and service animals in training. (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 persons with disabilities; prohibiting certain acts concerning persons with disabilities, service animals and service animals in training; revising certain provisions governing service animals and service animals in training; providing civil and criminal penalties; 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 8, inclusive, of this
3 act.

4 Sec. 2. *“Disability” means, with respect to a person:*

5 1. *A physical or mental impairment that substantially limits*
6 *one or more of the major life activities of the person;*



- 1 2. *A record of such an impairment; or*
- 2 3. *Being regarded as having such an impairment.*
- 3 **Sec. 3.** *“Service animal in training” means an animal that is*
- 4 *being trained to assist or accommodate a person with a disability.*
- 5 **Sec. 4. 1.** *It is unlawful for a person to require certification*
- 6 *of a disability, service animal, service animal in training or person*
- 7 *who is training a service animal as a condition of:*
- 8 (a) *Admittance or access to a place of public accommodation;*
- 9 (b) *The provision of any goods or services;*
- 10 (c) *The use of any facility, accommodation or transportation;*
- 11 *or*
- 12 (d) *The exercise of any privilege or advantage.*
- 13 2. *Any person, including, without limitation, any firm,*
- 14 *association or corporation, who violates the provisions of*
- 15 *subsection 1:*
- 16 (a) *Is guilty of a gross misdemeanor and shall be punished by*
- 17 *a fine of not less than \$500 and not more than \$2,500; and*
- 18 (b) *In addition to any criminal penalty that may be imposed, is*
- 19 *civily liable to the person against whom the violation was*
- 20 *committed as provided in section 8 of this act.*
- 21 **Sec. 5. 1.** *It is unlawful for a person to require an*
- 22 *additional surcharge, deposit or fee for the use of any premises or*
- 23 *facility, including, without limitation, a housing accommodation,*
- 24 *from a person who:*
- 25 (a) *Has a disability;*
- 26 (b) *Has a disability and is accompanied by a service animal; or*
- 27 (c) *Is accompanied by a service animal in training.*
- 28 2. *A person who brings a service animal or service animal in*
- 29 *training into any premises or facility is liable for all damage to*
- 30 *real or personal property on the premises or facility caused by the*
- 31 *service animal or service animal in training.*
- 32 3. *Any person, including, without limitation, any firm,*
- 33 *association or corporation, who violates the provisions of*
- 34 *subsection 1:*
- 35 (a) *Is guilty of a gross misdemeanor and shall be punished by*
- 36 *a fine 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*
- 38 *civily liable to the person against whom the violation was*
- 39 *committed as provided in section 8 of this act.*
- 40 **Sec. 6. 1.** *It is unlawful for a person to allow any animal*
- 41 *that he owns, harbors or controls to cause injury to or the death of*
- 42 *any service animal or service animal in training, or to endanger or*
- 43 *cause injury to a person who has a disability and is accompanied*
- 44 *by a service animal or a person who trains service animals and is*
- 45 *accompanied by a service animal in training.*



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

- 4 (a) Is guilty of a gross misdemeanor and shall be punished:
5 (1) By a fine of not less than \$500 and not more than
6 \$2,500; or
7 (2) If the violation is intentional, by imprisonment in the
8 county jail for not more than 1 year or by a fine of not more than
9 \$5,000, or by both fine and imprisonment; and
10 (b) In addition to any criminal penalty that may be imposed, is
11 civilly liable to the person against whom the violation was
12 committed as provided in section 8 of this act.

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

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

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

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

34 (b) To restrict a person who has a disability or trains service
35 animals from keeping a service animal or service animal in
36 training on the premises; or

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

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



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

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

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

9 5. This section does not impose any limitation on access to
10 any person in violation of the Americans with Disabilities Act of
11 1990, 42 U.S.C. §§ 12101 et seq. or the Fair Housing Act of 1968,
12 42 U.S.C. §§ 3601 et seq.

13 **Sec. 8. 1.** In addition to any criminal penalty that may be
14 imposed, any person, including, without limitation, any firm,
15 association or corporation, who violates any provision of NRS
16 426.790, 651.075, 704.145 or 706.366, or sections 4 to 7, inclusive,
17 of this act is civilly liable to the person against whom the violation
18 was committed for:

19 (a) Actual damages;

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

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

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

30 **Sec. 9.** NRS 426.031 is hereby amended to read as follows:

31 426.031 As used in this chapter, unless the context otherwise
32 requires, the words and terms defined in NRS 426.041 to 426.097,
33 inclusive, *and sections 2 and 3 of this act* have the meanings
34 ascribed to them in those sections.

35 **Sec. 10.** NRS 426.097 is hereby amended to read as follows:

36 426.097 "Service animal" means an animal ~~[which]~~ *that* has
37 been ~~[or is being]~~ trained to ~~[provide a specialized service to a~~
38 ~~handicapped person by a school that is approved by the Division to~~
39 ~~train such an animal.]~~ *assist or accommodate a person with a*
40 *disability.*

41 **Sec. 11.** NRS 426.695 is hereby amended to read as follows:

42 426.695 Blind persons who operate a vending stand pursuant to
43 the provisions of NRS 426.630 to 426.720, inclusive, may keep a
44 ~~[guide dog or other]~~ service animal with them at all times on the
45 premises where that vending stand is located.



1 **Sec. 12.** NRS 426.790 is hereby amended to read as follows:
2 426.790 1. ~~[A person shall not willfully and maliciously;~~
3 ~~—(a) Interfere with;~~
4 ~~—(b) Harass or intimidate;~~
5 ~~—(c) Beat; or~~
6 ~~—(d) Kill,~~
7 ~~a guide dog, hearing dog, helping dog or other service animal.~~
8 ~~—2.—Any] It is unlawful for a person, without legal justification,~~
9 ~~to interfere with, or to allow a dog he owns, harbors or controls to~~
10 ~~interfere with, the use of a service animal by obstructing,~~
11 ~~intimidating or otherwise jeopardizing the safety of the service~~
12 ~~animal or the person using the service animal.~~
13 2. A person who violates ~~§~~
14 ~~—(a) Paragraph (a)] the provisions~~ of subsection 1 :
15 (a) *For a first violation,* is guilty of a misdemeanor.
16 (b) ~~[Paragraph (b) of subsection 1]~~ *For a second or subsequent*
17 *violation,* is guilty of a gross misdemeanor.
18 (c) ~~[Paragraph (c) of subsection 1 is guilty of a category D~~
19 ~~felony and shall be punished as provided in NRS 193.130.~~
20 ~~—(d) Paragraph (d) of subsection 1 is guilty of a category C felony~~
21 ~~and shall be punished as provided in NRS 193.130.] In addition to~~
22 ~~any criminal penalty that may be imposed, is civilly liable to the~~
23 ~~person against whom the violation was committed as provided in~~
24 ~~section 8 of this act.~~
25 **Sec. 13.** NRS 484.328 is hereby amended to read as follows:
26 484.328 1. A ~~[blind]~~ person *with a disability* who is on foot
27 and using a ~~[guide dog or other]~~ service animal or ~~[carrying] an~~
28 ~~appliance to accommodate his disability, including, without~~
29 ~~limitation,~~ a cane or walking stick *that is* white in color, or white
30 tipped with red, has the right-of-way when entering or when on a
31 highway, street or road of this state. Any driver of a vehicle who
32 approaches or encounters such a ~~[blind]~~ person *with a disability*
33 shall yield the right-of-way, come to a full stop, if necessary, and
34 take precautions before proceeding to avoid accident or injury to the
35 ~~[blind person.]~~ *person with a disability.*
36 2. Any person who violates subsection 1 *is guilty of a gross*
37 ~~misdemeanor and~~ shall be punished by imprisonment in the county
38 jail for not more than 6 months or by a fine of not less than ~~[\$100~~
39 ~~nor] \$500 and not~~ more than ~~[\$500,] \$2,500,~~ or by both fine and
40 imprisonment.
41 3. *As used in this section:*
42 (a) *“Disability” has the meaning ascribed to it in section 2 of*
43 ~~this act.~~
44 (b) *“Service animal” has the meaning ascribed to it in NRS*
45 ~~426.097.~~



1 **Sec. 14.** NRS 574.615 is hereby amended to read as follows:
2 574.615 1. "Pet" means an animal that is kept by a person
3 primarily for ~~[companionship or]~~ personal enjoyment.
4 2. The term does not include an animal that is kept by a person
5 primarily for:
6 (a) Hunting;
7 (b) Use in connection with farming or agriculture;
8 (c) Breeding;
9 (d) Drawing heavy loads; or
10 (e) Use as a ~~[guide dog, hearing dog, helping dog or other]~~
11 service animal ~~[;]~~ *or a service animal in training*, as those terms are
12 defined ~~[in chapter 426 of NRS.]~~ *in NRS 426.097 and section 3 of*
13 *this act, respectively.*

14 **Sec. 15.** NRS 613.330 is hereby amended to read as follows:
15 613.330 1. Except as otherwise provided in NRS 613.350, it
16 is an unlawful employment practice for an employer:
17 (a) To fail or refuse to hire or to discharge any person, or
18 otherwise to discriminate against any person with respect to his
19 compensation, terms, conditions or privileges of employment,
20 because of his race, color, religion, sex, sexual orientation, age,
21 disability or national origin; or
22 (b) To limit, segregate or classify an employee in a way which
23 would deprive or tend to deprive him of employment opportunities
24 or otherwise adversely affect his status as an employee, because of
25 his race, color, religion, sex, sexual orientation, age, disability or
26 national origin.
27 2. It is an unlawful employment practice for an employment
28 agency to:
29 (a) Fail or refuse to refer for employment, or otherwise to
30 discriminate against, any person because of the race, color, religion,
31 sex, sexual orientation, age, disability or national origin of that
32 person; or
33 (b) Classify or refer for employment any person on the basis of
34 the race, color, religion, sex, sexual orientation, age, disability or
35 national origin of that person.
36 3. It is an unlawful employment practice for a labor
37 organization:
38 (a) To exclude or to expel from its membership, or otherwise to
39 discriminate against, any person because of his race, color, religion,
40 sex, sexual orientation, age, disability or national origin;
41 (b) To limit, segregate or classify its membership, or to classify
42 or fail or refuse to refer for employment any person, in any way
43 which would deprive or tend to deprive him of employment
44 opportunities, or would limit his employment opportunities or
45 otherwise adversely affect his status as an employee or as an



1 applicant for employment, because of his race, color, religion, sex,
2 sexual orientation, age, disability or national origin; or

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

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

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

19 6. It is an unlawful employment practice for an employer,
20 directly or indirectly, to refuse to ~~[permit]~~ *allow* an employee with a
21 ~~[visual or aural]~~ disability to keep his ~~[guide dog, hearing dog or~~
22 ~~other]~~ service animal *or service animal in training* with him at all
23 times in his place of employment.

24 7. ~~[For the purposes of]~~ *As used in* this section ~~[, the terms~~
25 ~~“guide dog,” “hearing dog,” “helping dog” and “service animal”~~
26 ~~have the meanings]~~ :

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

29 (b) *“Service animal in training” has the meaning ascribed to it*
30 *in section 3 of this act.*

31 **Sec. 16.** NRS 651.075 is hereby amended to read as follows:

32 651.075 1. It is unlawful ~~[for]~~ *to deny admittance or access*
33 *to* a place of public accommodation , *or to deny the provision of*
34 *any goods or services, the use of any facility or accommodation, or*
35 *the exercise of any privilege or advantage in a place of public*
36 *accommodation, to [:*

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

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

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

45 ~~—(1) The place of public accommodation; or~~



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

4 ~~— (d) Refuse admittance or service to a person because he is] a~~
5 ~~person 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*
12 *segregate a 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*
17 *whom he is accompanied in an effort to provide any access,*
18 *accommodation or service, including, without limitation, the*
19 *provision of segregated seating in specific areas of places to which*
20 *the general public is invited that provide entertainment or in*
21 *which a public event is presented.*

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

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

35 ~~— 3. A guide dog, hearing dog, helping dog or other] a service~~
36 ~~animal, service animal in training or police dog.~~

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

39 ~~[4.] 5.~~ This section does not relieve:

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

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



1 ~~[5.]~~ 6. Persons with disabilities who are accompanied by ~~[guide~~
2 ~~dogs, hearing dogs, helping dogs or other]~~ service animals *or*
3 *service animals in training* are subject to the same conditions and
4 limitations that apply to persons who are not so disabled and
5 accompanied.

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

9 ~~[7.—For the purposes of]~~
10 8. *Any person, including, without limitation, any firm,*
11 *association or corporation, who violates the provisions of this*
12 *section:*

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

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

18 9. *As used in* this section:

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

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

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

27 (c) “Service animal in training” *has the meaning ascribed to it*
28 *in section 3 of this act.*

29 **Sec. 17.** NRS 651.080 is hereby amended to read as follows:

30 651.080 1. Any person is guilty of a misdemeanor who:

31 (a) Withholds, denies, deprives or attempts to withhold, deny or
32 deprive any other person of any right or privilege secured by NRS
33 651.070 ; ~~[or 651.075;]~~

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

38 (c) Punishes or attempts to punish any other person for
39 exercising or attempting to exercise any right or privilege secured
40 by NRS 651.070 . ~~[or 651.075.]~~

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

43 **Sec. 18.** NRS 651.090 is hereby amended to read as follows:

44 651.090 1. Any person who:



1 (a) Withholds, denies, deprives or attempts to withhold, deny or
2 deprive any other person of any right or privilege secured by NRS
3 651.070 ; ~~for 651.075;~~

4 (b) Intimidates, threatens, coerces or attempts to threaten,
5 intimidate or coerce any other person for the purpose of interfering
6 with any right or privilege secured by NRS 651.070 ; ~~for 651.075;~~
7 or

8 (c) Punishes or attempts to punish any other person for
9 exercising or attempting to exercise any right or privilege secured
10 by NRS 651.070 , ~~for 651.075;~~
11 is liable to the person whose rights pursuant to NRS 651.070 ~~for~~
12 ~~651.075~~ are affected for actual damages, to be recovered by a civil
13 action in a court in and for the county in which the infringement of
14 civil rights occurred or in which the defendant resides.

15 2. In an action brought pursuant to this section, the court may:
16 (a) Grant any equitable relief it considers appropriate, including
17 temporary, preliminary or permanent injunctive relief, against the
18 defendant.

19 (b) Award costs and reasonable attorney’s fees to the prevailing
20 party.

21 **Sec. 19.** NRS 651.100 is hereby amended to read as follows:
22 651.100 Any county or incorporated city of this state may
23 adopt a local ordinance prohibiting infringement of the rights or
24 privileges secured by NRS 651.070 , ~~for 651.075;~~ but such an
25 ordinance must not apply to any establishment outside the scope of
26 NRS 651.050 and 651.060 or impose a penalty more severe than
27 that provided by NRS ~~651.075 or~~ 651.080. A prosecution pursuant
28 to NRS ~~651.075 or~~ 651.080 is a bar to any prosecution pursuant to
29 an ordinance authorized by this section.

30 **Sec. 20.** NRS 651.120 is hereby amended to read as follows:
31 651.120 A criminal or civil action authorized by NRS
32 ~~651.075;~~ 651.080, 651.090 or 651.100 may not be brought after
33 the expiration of 1 year from the date of the act complained of.
34 When a complaint is filed with the Nevada Equal Rights
35 Commission pursuant to NRS 651.110, the limitation provided by
36 this section is tolled as to any action authorized by NRS ~~651.075;~~
37 651.080, 651.090 or 651.100 during the pendency of such complaint
38 before the Commission. For the purposes of this section, a
39 complaint is pending before the Commission until the time expires
40 for filing a petition for judicial review of the final decision of the
41 Commission on the complaint or, if proceedings for such review are
42 instituted, then until the proceedings are completed.

43 **Sec. 21.** NRS 704.145 is hereby amended to read as follows:
44 704.145 1. It is unlawful ~~for~~ *to deny admittance or access*
45 *to* a common carrier or other means of public conveyance or



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



1 (a) "Service animal" has the meaning ascribed to ~~them~~
 2 ~~respectively~~ it in NRS ~~[426.075, 426.081, 426.083 and]~~ 426.097.
 3 (b) "Service animal in training" has the meaning ascribed to it
 4 in section 3 of this act.

5 **Sec. 22.** NRS 706.366 is hereby amended to read as follows:

6 706.366 1. It is unlawful ~~for~~ *to deny admittance or access*
 7 *to* a common motor carrier of passengers or other means of public
 8 conveyance or transportation operating in this state , *or to deny the*
 9 *provision of any goods or services, the use of any facility or*
 10 *accommodation, or the exercise of any privilege or advantage on a*
 11 *common motor carrier of passengers or other means of public*
 12 *conveyance or transportation operating in this state,* to ~~for~~:

- 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 motor carrier of passengers or*
 24 *other means of public conveyance or transportation operating in*
 25 *this state to 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 motor carriers*
 37 *of passengers or other means of public conveyance or*
 38 *transportation operating in this state* are subject to the same
 39 conditions and limitations that apply to persons who are not so
 40 ~~[handicapped]~~ *disabled* and accompanied.

41 ~~[4. For the purposes of]~~
 42 5. *Any person, including, without limitation, any firm,*
 43 *association or corporation, who violates the provisions 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 *civily 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 3 of this act.*
 12 **Sec. 23.** NRS 118.105, 426.075, 426.081, 426.083, 426.085,
 13 426.091, 426.095, 426.510, 426.515 and 426.560 are hereby
 14 repealed.
 15 **Sec. 24.** This act becomes effective on July 1, 2003.

LEADLINES OF REPEALED SECTIONS

- 118.105** Refusal to rent dwelling because of service animal prohibited.
- 426.075** “Guide dog” defined.
- 426.081** “Hearing dog” defined.
- 426.083** “Helping dog” defined.
- 426.085** “School for guide dogs” defined.
- 426.091** “School for hearing dogs” defined.
- 426.095** “School for helping dogs” defined.
- 426.510** Restrictions on use of white or metallic cane, blaze orange leash, guide dog, hearing dog, helping dog or other service animal; penalty; duties of pedestrian.
- 426.515** Failure to use cane, leash, dog or other service animal as evidence of contributory negligence in action against carrier or place of public accommodation.
- 426.560** Regulations.

