

SENATE BILL NO. 231—SENATORS TOWNSEND AND TITUS

MARCH 4, 2003

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning service animals.  
(BDR 38-98)

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; revising provisions concerning service animals; prohibiting certain acts relating to service animals; requiring the payment of restitution for certain violations; 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, 3 and 4 of this act.
- 3     **Sec. 2. 1.** *It is unlawful for a person to injure, disable or*
- 4     *cause the death of, or to allow a dog he owns, harbors or controls*
- 5     *to injure, disable or cause the death of, a service animal.*
- 6     **2.** *A person who violates the provisions of subsection 1 is*
- 7     *guilty of a gross misdemeanor, except that if the violation is willful*
- 8     *and malicious the person is guilty of a category C felony and shall*
- 9     *be punished as provided in NRS 193.130.*
- 10    **Sec. 3. 1.** *It is unlawful for a person to obtain or exert*
- 11    *unauthorized control over a service animal with the intent to*
- 12    *deprive the person using the service animal of that service animal.*
- 13    **2.** *A person who violates the provisions of subsection 1 is*
- 14    *guilty of a category C felony and shall be punished as provided in*
- 15    *NRS 193.130.*
- 16    **Sec. 4. 1.** *If a person is convicted of a violation of NRS*
- 17    *426.790 or section 2 or 3 of this act, the person shall, in addition*



- 1 *to any criminal penalty, pay restitution for all damages resulting*  
2 *from the violation.*
- 3 *2. Restitution payable pursuant to subsection 1 includes,*  
4 *without limitation:*
- 5 *(a) Incidental and consequential expenses incurred by the user*  
6 *of the service animal;*
- 7 *(b) The cost of all expenses for veterinary and other care of the*  
8 *service animal;*
- 9 *(c) The cost of retraining the service animal;*
- 10 *(d) The cost of replacing the service animal;*
- 11 *(e) The cost of training a replacement service animal;*
- 12 *(f) The medical expenses of the user of the service animal;*
- 13 *(g) The cost of training the user of the service animal; and*
- 14 *(h) Compensation for wages or other earned income lost by the*  
15 *user of the service animal.*
- 16 *3. The remedies provided in this section are nonexclusive and*  
17 *are in addition to any other remedy provided by law.*
- 18 **Sec. 5.** NRS 426.097 is hereby amended to read as follows:  
19 426.097 “Service animal” means an animal which has been or  
20 is being trained to provide a specialized service to a handicapped  
21 person by a school that is approved by the Division to train such an  
22 animal ~~and~~ *and includes, without limitation, a guide dog, hearing*  
23 *dog and helping dog.*
- 24 **Sec. 6.** NRS 426.510 is hereby amended to read as follows:  
25 426.510 1. Except as otherwise provided in subsections 2, 3  
26 and 4, a person shall not:
- 27 (a) Use a ~~[guide dog, hearing dog, helping dog or other]~~ service  
28 animal or a blaze orange leash; or
- 29 (b) Carry or use on any street or highway or in any other public  
30 place a cane or walking stick which is white or metallic in color, or  
31 white tipped with red.
- 32 2. A blind person may use a guide dog or other service animal,  
33 a blaze orange leash and a cane or walking stick which is white or  
34 metallic in color, or white tipped with red.
- 35 3. A deaf person may use a hearing dog or other service animal  
36 and a blaze orange leash.
- 37 4. A physically handicapped person may use a helping dog or  
38 other service animal and a blaze orange leash.
- 39 5. Any pedestrian who approaches or encounters a *blind* person  
40 using a guide dog or other service animal or carrying a cane or  
41 walking stick white or metallic in color, or white tipped with red,  
42 shall immediately come to a full stop and take such precautions  
43 before proceeding as may be necessary to avoid accident or injury to  
44 the blind person.
- 45 6. Any person other than a blind person who:



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

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

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

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

13 7. Any person other than a blind, deaf or physically  
14 handicapped person who uses a blaze orange leash is guilty of a  
15 misdemeanor.

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

19 **Sec. 7.** 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 violation,* is  
35 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.]~~

40 **Sec. 8.** NRS 118.105 is hereby amended to read as follows:

41 118.105 1. A landlord may not refuse to rent a dwelling  
42 subject to the provisions of chapter 118A of NRS solely because a  
43 ~~[guide dog, hearing dog, helping dog or other]~~ service animal will  
44 be residing with the prospective tenant in the dwelling.



1 2. A landlord may require proof that an animal is a ~~[guide dog,~~  
2 ~~hearing dog, helping dog or other]~~ service animal. This requirement  
3 may be satisfied, ~~[by way of example and not of]~~ *without* limitation,  
4 by exhibition of the identification card normally presented to a  
5 person with a disability upon his graduation from a school for guide  
6 dogs, school for hearing dogs, school for helping dogs or school for  
7 other service animals.

8 3. ~~[For the purposes of]~~ *As used in* this section:

9 (a) ~~[The terms “guide dog,” “hearing dog,” “helping dog,”~~  
10 ~~“school for guide dogs,” “school for hearing dogs” and “school for~~  
11 ~~helping dogs” have the meanings ascribed to them respectively in~~  
12 ~~NRS 426.075 to 426.097, inclusive.~~

13 ~~—(b) “Service animal” means an animal which has been or is~~  
14 ~~being trained to provide a specialized service to a person with a~~  
15 ~~disability.] “School for guide dogs” has the meaning ascribed to it~~  
16 ~~in NRS 426.085.~~

17 (b) *“School for hearing dogs” has the meaning ascribed to it*  
18 *in NRS 426.091.*

19 (c) *“School for helping dogs” has the meaning ascribed to it in*  
20 *NRS 426.095.*

21 (d) *“Service animal” has the meaning ascribed to it in*  
22 *NRS 426.097.*

23 **Sec. 9.** NRS 574.615 is hereby amended to read as follows:

24 574.615 1. “Pet” means an animal that is kept by a person  
25 primarily for companionship or personal enjoyment.

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

28 (a) Hunting;

29 (b) Use in connection with farming or agriculture;

30 (c) Breeding;

31 (d) Drawing heavy loads; or

32 (e) Use as a ~~[guide dog, hearing dog, helping dog or other]~~  
33 service animal, as ~~[those terms are]~~ *that term is* defined in ~~[chapter~~  
34 ~~426 of NRS.] NRS 426.097.~~

35 **Sec. 10.** NRS 613.330 is hereby amended to read as follows:

36 613.330 1. Except as otherwise provided in NRS 613.350, it  
37 is an unlawful employment practice for an employer:

38 (a) To fail or refuse to hire or to discharge any person, or  
39 otherwise to discriminate against any person with respect to his  
40 compensation, terms, conditions or privileges of employment,  
41 because of his race, color, religion, sex, sexual orientation, age,  
42 disability or national origin; or

43 (b) To limit, segregate or classify an employee in a way which  
44 would deprive or tend to deprive him of employment opportunities  
45 or otherwise adversely affect his status as an employee, because of



1 his race, color, religion, sex, sexual orientation, age, disability or  
2 national origin.

3 2. It is an unlawful employment practice for an employment  
4 agency to:

5 (a) Fail or refuse to refer for employment, or otherwise to  
6 discriminate against, any person because of the race, color, religion,  
7 sex, sexual orientation, age, disability or national origin of that  
8 person; or

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

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

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

17 (b) To limit, segregate or classify its membership, or to classify  
18 or fail or refuse to refer for employment any person, in any way  
19 which would deprive or tend to deprive him of employment  
20 opportunities, or would limit his employment opportunities or  
21 otherwise adversely affect his status as an employee or as an  
22 applicant for employment, because of his race, color, religion, sex,  
23 sexual orientation, age, disability or national origin; or

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

26 4. It is an unlawful employment practice for any employer,  
27 labor organization or joint labor-management committee controlling  
28 apprenticeship or other training or retraining, including, without  
29 limitation, on-the-job training programs, to discriminate against any  
30 person because of his race, color, religion, sex, sexual orientation,  
31 age, disability or national origin in admission to, or employment in,  
32 any program established to provide apprenticeship or other training.

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

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

43 7. ~~[For the purposes of]~~ *As used in* this section, ~~[the terms~~  
44 ~~“guide dog,” “hearing dog,” “helping dog” and]~~ “service animal”



1 ~~[have the meanings]~~ *has the meaning* ascribed to ~~[them~~  
2 ~~respectively]~~ *it* in NRS ~~[426.075, 426.081, 426.083 and]~~ 426.097.

3 **Sec. 11.** NRS 651.075 is hereby amended to read as follows:  
4 651.075 1. It is unlawful for a place of public  
5 accommodation to:  
6 (a) Refuse admittance or service to a person with a visual, aural  
7 or physical disability because he is accompanied by a ~~[guide dog,~~  
8 ~~hearing dog, helping dog or other]~~ service animal.  
9 (b) Refuse admittance or service to a person training ~~[such an]~~ *a*  
10 *service* animal.  
11 (c) Refuse to permit an employee of the place of public  
12 accommodation who is training ~~[such an]~~ *a service* animal to bring  
13 the *service* animal into:  
14 (1) The place of public accommodation; or  
15 (2) Any area within the place of public accommodation to  
16 which employees of the place *of public accommodation* have  
17 access, regardless of whether the area is open to the public.  
18 (d) Refuse admittance or service to a person because he is  
19 accompanied by a police dog.  
20 (e) Charge an additional fee for ~~[such an animal.]~~ *a service*  
21 *animal or a police dog.*  
22 2. A place of *public* accommodation may require proof that an  
23 animal is a ~~[guide dog, hearing dog, helping dog or other]~~ service  
24 animal, or that a person is training ~~[such an]~~ *a service* animal. This  
25 requirement may be satisfied, ~~[by way of example and not of]~~  
26 *without* limitation, by exhibition of the identification card normally  
27 presented to a trainer of ~~[such an]~~ *a service* animal or to a person  
28 with a visual, aural or physical disability upon his graduation from a  
29 school for guide dogs, school for hearing dogs, school for helping  
30 dogs or other school that is approved by the Rehabilitation Division  
31 of the Department of Employment, Training and Rehabilitation to  
32 train a service animal to provide a specialized service to a  
33 handicapped person.  
34 3. A ~~[guide dog, hearing dog, helping dog or other]~~ service  
35 animal may not be presumed dangerous by reason of the fact it is  
36 not muzzled.  
37 4. This section does not relieve:  
38 (a) A person with a disability *who is accompanied by a service*  
39 *animal*, or a person who trains ~~[such an]~~ *a service* animal from  
40 liability for damage caused by ~~[his guide dog, hearing dog, helping~~  
41 ~~dog or other]~~ *the* service animal.  
42 (b) A person who is accompanied by a police dog from liability  
43 for damage caused by the police dog.  
44 5. Persons with disabilities who are accompanied by ~~[guide~~  
45 ~~dogs, hearing dogs, helping dogs or other]~~ service animals are



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

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

6 7. ~~{For the purposes of}~~ *As used in* this section:

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

10 ~~—(b)}~~ "Police dog" means a dog which is owned by a state or  
11 local governmental agency and which is used by a peace officer in  
12 performing his duties as a peace officer.

13 (b) "Service animal" *has the meaning ascribed to it in*  
14 *NRS 426.097.*

15 **Sec. 12.** NRS 704.145 is hereby amended to read as follows:

16 704.145 1. It is unlawful for a common carrier or other  
17 means of public conveyance or transportation operating in this state  
18 to:

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

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

25 (c) Charge an additional fee for ~~{such an}~~ *a service* animal.

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

31 3. Visually, aurally or physically handicapped persons  
32 accompanied by ~~{guide dogs, hearing dogs, helping dogs or other}~~  
33 service animals *on common carriers or other means of public*  
34 *conveyance or transportation operating in this state* are subject to  
35 the same conditions and limitations that apply to persons who are  
36 not so handicapped and accompanied.

37 4. ~~{For the purposes of}~~ *As used in* this section, ~~{the terms~~  
38 ~~"guide dog," "hearing dog," "helping dog" and}~~ "service animal"  
39 ~~{have the meanings}~~ *has the meaning* ascribed to ~~{them~~  
40 ~~respectively}~~ *it* in NRS ~~{426.075, 426.081, 426.083 and}~~ 426.097.

41 **Sec. 13.** NRS 706.366 is hereby amended to read as follows:

42 706.366 1. It is unlawful for a common motor carrier of  
43 passengers or other means of public conveyance or transportation  
44 operating in this state to:



1 (a) Refuse service to a visually, aurally or physically  
2 handicapped person because he is accompanied by a ~~[guide dog,~~  
3 ~~hearing dog, helping dog or other]~~ service animal;

4 (b) Refuse service to a person who is training a ~~[guide dog,~~  
5 ~~hearing dog, helping dog or other]~~ service animal because he is  
6 accompanied by ~~[such an]~~ *the service* animal; or

7 (c) Charge an additional fee for ~~[such an]~~ *a service* animal.

8 2. This section does not relieve a visually, aurally or physically  
9 handicapped person *who is accompanied by a service animal*, or a  
10 person who trains a ~~[guide dog, hearing dog, helping dog or other]~~  
11 service animal from liability for damage which may be caused by  
12 ~~[his]~~ *the service* animal.

13 3. Visually, aurally or physically handicapped persons  
14 accompanied by ~~[guide dogs, hearing dogs, helping dogs or other]~~  
15 service animals *on common motor carriers of passengers or other*  
16 *means of public conveyance or transportation operating in this*  
17 *state* are subject to the same conditions and limitations that apply to  
18 persons who are not so handicapped and accompanied.

19 4. ~~[For the purposes of]~~ *As used in* this section, ~~[the terms~~  
20 ~~“guide dog,” “hearing dog,” “helping dog” and]~~ “service animal”  
21 ~~[have the meanings]~~ *has the meaning* ascribed to ~~[them~~  
22 ~~respectively]~~ *it* in NRS ~~[426.075, 426.081, 426.083 and]~~ 426.097.

