

Joint Sponsor: Assemblyman Arberry

CHAPTER.....

AN ACT relating to service animals; revising provisions concerning service animals and service animals in training; prohibiting certain acts relating to service animals, service animals in training or persons using service animals; revising certain penalties relating to crimes against service animals; providing civil liability and 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:

Section 1. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

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

- 1. A physical or mental impairment that substantially limits one or more of the major life activities of the person;*
- 2. A record of such an impairment; or*
- 3. Being regarded as having such an impairment.*

Sec. 3. *“Service animal in training” means an animal that is being trained to assist or accommodate a person with a disability.*

Sec. 4. 1. *It is unlawful for a person to allow any 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 misdemeanor and shall be punished by a fine of not more than \$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 5 of this act.

3. In addition to any other penalty, the court shall order a person convicted of a violation of subsection 1 to pay restitution to the person who has the disability or the person who has custody or ownership of the service animal or service animal in training for any veterinary bills, and for the replacement cost of the service animal or service animal in training if it was killed or disabled or

has become mentally or physically unable to perform its duties. The restitution must cover all costs for aides, assistance, transportation and other hardships incurred during the absence, and until the replacement, of the service animal or service animal in training.

Sec. 5. *1. In addition to any criminal penalty that may be imposed, any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1 of section 4 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. 6. NRS 426.031 is hereby amended to read as follows:

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

Sec. 7. NRS 426.097 is hereby amended to read as follows:

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

Sec. 8. NRS 426.510 is hereby amended to read as follows:

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

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

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

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

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

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

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

6. Any person other than a blind person who:

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

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

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

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

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

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

Sec. 9. 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] :~~

(a) Without legal justification, interfere with, or 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.

(b) Willfully and maliciously beat a service animal.

(c) Willfully and maliciously kill a service animal.

2. ~~[Any]~~ A person who violates:

(a) Paragraph (a) of subsection 1 is guilty of a *gross* misdemeanor.

(b) Paragraph (b) of subsection 1 is guilty of a ~~[gross misdemeanor.]~~ *category E felony and shall be punished as provided in NRS 193.130.*

(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.]~~

Sec. 10. NRS 118.105 is hereby amended to read as follows:

118.105 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]~~ *without* 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]~~ *As used in* 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.]~~ *"School for guide dogs" has the meaning ascribed to it in NRS 426.085.*

(b) "School for hearing dogs" has the meaning ascribed to it in NRS 426.091.

(c) "School for helping dogs" has the meaning ascribed to it in NRS 426.095.

(d) "Service animal" has the meaning ascribed to it in NRS 426.097.

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

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

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

- (a) Hunting;
- (b) Use in connection with farming or agriculture;
- (c) Breeding;
- (d) Drawing heavy loads; or

(e) Use as a ~~[guide dog, hearing dog, helping dog or other]~~ service animal ~~[.]~~ *or a service animal in training*, as those terms are defined in ~~[chapter 426 of NRS.]~~ *NRS 426.097 and section 3 of this act, respectively.*

Sec. 12. NRS 613.330 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

5. It is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with physical, aural or

visual disabilities by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a ~~[guide dog, hearing dog, helping dog or other]~~ service animal, by such a person.

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

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

Sec. 13. NRS 651.075 is hereby amended to read as follows:

651.075 1. It is unlawful for a place of public accommodation to:

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

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

(c) Refuse to permit an employee of the place of public accommodation who is training ~~[such an]~~ *a service* animal to bring the *service* animal into:

(1) The place of public accommodation; or

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

(d) Refuse admittance or service to a person because he is accompanied by a police dog.

(e) Charge an additional fee for ~~[such an animal.]~~ *a service animal or a police dog.*

2. A place of *public* accommodation may require proof that an animal is a ~~[guide dog, hearing dog, helping dog or other]~~ service animal, or that a person is training ~~[such an]~~ *a service* animal. This requirement may be satisfied, ~~[by way of example and not of]~~ *without* limitation, by exhibition of the identification card normally presented to a trainer of ~~[such an]~~ *a service* animal or to a person with a visual, aural or physical disability upon his graduation from a school for guide dogs, school for hearing dogs, school for helping dogs or other school that is approved by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to train a service animal to provide a specialized service to a handicapped person.

3. A ~~[guide dog, hearing dog, helping dog or other]~~ service animal may not be presumed dangerous by reason of the fact it is not muzzled.

4. This section does not relieve:

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

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

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

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

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

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

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

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

Sec. 14. NRS 704.145 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 15. NRS 706.366 is hereby amended to read as follows:

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

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

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

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

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

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

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