

**Amendment No. 11**

Senate Amendment to Senate Bill No. 36

(BDR 38-694)

**Proposed by:** Committee on Human Resources and Education**Amendment Box:** Replaces Amendment No. 3.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend sec. 12, pages 7 and 8, by deleting lines 6 through 44 on page 7 and lines 1 and 2 on page 8, and inserting:

“**Sec. 12.** 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 service animal will be residing with the prospective tenant in the dwelling.

2. A landlord may require proof that an animal is a service animal. This requirement may be satisfied, 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. As used in this section:

YMGL/LH

Date: 2/23/2005

S.B. No. 36—Makes various changes concerning animals trained to assist or accommodate persons with disabilities.

(a) *“Blind person” has the meaning ascribed to it in NRS 426.041.*

(b) *“Deaf person” has the meaning ascribed to it in NRS 426.055*

(c) *“Division” means the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.*

(d) *“Guide dog” means a dog which has been or is being specially trained by or in conjunction with a school for guide dogs to lead in harness and serve as an aid to the mobility of a particular blind person.*

(e) *“Hearing dog” means a dog which has been or is being specially trained by or in conjunction with a school for hearing dogs to alert a particular deaf person to certain sounds.*

(f) *“Helping dog” means a dog which has been or is being specially trained by or in conjunction with a school for helping dogs to the individual requirements of a person with a physical disability to:*

*(1) Provide a minimum of protection;*

*(2) Rescue the person in certain situations;*

*(3) Pull a wheelchair;*

*(4) Fetch dropped items; or*

*(5) Provide other services to the person.*

(g) *“School for guide dogs” ~~has the meaning ascribed to it in NRS 426.085.~~*

~~—(b)—~~ *means a school which trains dogs to be guide dogs and which is approved by the Division.*

(h) *“School for hearing dogs” ~~has the meaning ascribed to it in NRS 426.091.~~*

~~—(c)—~~ *means a school which trains dogs to be hearing dogs and which is approved by the Division.*

(i) “School for helping dogs” ~~has the meaning ascribed to it in NRS 426.095.~~

~~—(d)]~~ *means a school which trains dogs to be helping dogs and which is approved by the Division.*

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

Amend the bill as a whole by deleting sec. 22.

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**Legislative Counsel's Digest:**

Existing law prohibits a person from unlawfully interfering with or allowing a dog to interfere with the use of a service animal and prohibits a person from beating or killing a service animal. (NRS 426.790) A service animal is any animal that has been trained to assist or accommodate a person with a disability. (NRS 426.097) Existing law prohibits places of public accommodation and operators of public transportation from refusing access or service to a person accompanied by a service animal or service animal in training. (NRS 651.075, 704.145, 706.366)

This bill prohibits a person from unlawfully allowing any animal he controls to interfere with the use of a service animal or service animal in training and prohibits a person from beating or killing a service animal in training. This bill makes a person civilly liable for certain violations against a service animal or service animal in training and requires a court to order that certain restitution be made to the victim in addition to criminal penalties.

This bill makes any place of public accommodation and operator of public transportation liable for actual damages, punitive damages and reasonable attorney's fees for the following violations: (1) refusing access or service to a person accompanied by a service animal or service animal in training; or (2) charging an additional fee or deposit when a person is accompanied by a service animal or service animal in training.

This bill prohibits a person from fraudulently misrepresenting an animal as a service animal or service animal in training. Violators are guilty of a misdemeanor for a first offense and a category E felony for subsequent offenses.

This bill prohibits a place of public accommodation from requiring proof that an animal is a service animal or service animal in training. A place of public accommodation may ask what tasks the animal is trained or being trained to perform and may ask a person to remove a service animal or service animal in training if the animal is out of control or poses a direct threat to the health or safety of others.

This bill makes other technical corrections to the provisions governing service animals and blind persons.