

Amendment No. 737

Assembly Amendment to Senate Bill No. 36 First Reprint

(BDR 38-694)

Proposed by: Committee on Health and Human Services**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes 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"/>	_____
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Amend section 1, page 2, line 6, by deleting the colon.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

“guilty of a misdemeanor and shall be punished by a fine of not more than \$500.”

Amend sec. 12, pages 7 and 8, by deleting lines 2 through 44 on page 7 and lines 1 through 4 on page 8 and inserting:

“118.105 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** landlord may not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS ***to a person with a disability*** solely because ~~[a service]~~ ***an*** animal will be residing with the prospective tenant in the dwelling ~~[:] if the~~ ***animal assists, supports or provides service to the person with a disability.***

2. A landlord may require proof that an animal ~~[is a service animal.]~~ ***assists, supports or provides service to the person with a disability.*** This requirement may be satisfied, without

WBRD/SGW

Date: 5/16/2005

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



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:~~

~~—(a) “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.]~~ *a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person’s disability.”.*

Amend the title of the bill by deleting the sixth line and inserting:

“restitution for certain violations; revising provisions concerning rental of certain dwellings by persons with a service animal; providing a penalty; and”.

**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.

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.

Existing law prohibits a landlord from refusing to rent certain dwellings to a person solely because a service animal will be residing with the person in the dwelling. (NRS 118.105)

This bill revises this provision to prohibit a landlord from refusing to rent certain dwellings to a person with a disability solely because an animal that assists, supports or provides service to that person will be residing with that person.

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