
SENATE BILL NO. 36—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
PERSONS WITH DISABILITIES)

PREFILED FEBRUARY 4, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Makes various changes concerning animals trained to assist or accommodate persons with disabilities. (BDR 38-694)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 service animals and service animals in training; revising provisions concerning persons accompanied by service animals or service animals in training; providing civil liability and the payment of restitution for certain violations; providing penalties; and providing other matters properly relating thereto.

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, landlords and operators of public transportation from refusing access or service to a person accompanied by a service animal or service animal in training. (NRS 118.105, 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, landlord 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 authorizes a landlord to require proof that a prospective tenant needs a service animal, and requires the Nevada Equal Rights Commission to adopt regulations establishing what constitutes sufficient proof.

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.

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 a new section to read as follows:

1. *It is unlawful for a person to fraudulently misrepresent an animal as a service animal or service animal in training.*

2. *A person convicted of fraudulently misrepresenting an animal as a service animal or service animal in training is:*

(a) *For a first offense, guilty of a gross misdemeanor; and*

(b) *For any subsequent offense, guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 2. 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 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.}~~



1 4. A person with a physical disability may use a ~~{helping-dog~~
2 ~~or-other}~~ service animal. ~~{and-a-blaze-orange-leash.}~~

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

9 6. Any person other than a blind person who:

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

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

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

19 (d) Fails to take precaution against accident or injury to such a
20 person after coming to a stop ~~{.}~~ as provided for in this section,

21 ➤ is guilty of a misdemeanor.

22 7. ~~{Any person other than a blind person, deaf person or person~~
23 ~~with a physical disability who uses a blaze orange leash is guilty of~~
24 ~~a misdemeanor.~~

25 ~~—8.—~~ This section does not apply to any person who is instructing
26 a blind person, deaf person or person with a physical disability or
27 training a service animal.

28 **Sec. 3.** NRS 426.515 is hereby amended to read as follows:

29 426.515 The failure of a:

30 1. Blind person to carry a white or metallic colored cane or to
31 use a ~~{guide-dog-or-other}~~ service animal ; ~~{or-a-blaze-orange-leash.}~~

32 2. Deaf person to use a ~~{hearing-dog-or-other}~~ service animal ;
33 ~~{or-a-blaze-orange-leash.}~~ or

34 3. Person with a physical disability to use a ~~{helping-dog-or~~
35 ~~other}~~ service animal, ~~{or-a-blaze-orange-leash.}~~

36 ➤ does not constitute contributory negligence per se, but may be
37 admissible as evidence of contributory negligence in a personal
38 injury action by that person against a common carrier or any other
39 means of public conveyance or transportation or a place of public
40 accommodation as defined by NRS 651.050 when the injury arises
41 from the blind person's, deaf person's or person with a physical
42 disability's making use of the facilities or services offered by the
43 carrier or place of public accommodation.



1 **Sec. 4.** NRS 426.550 is hereby amended to read as follows:

2 426.550 1. The Bureau ~~[shall]~~ **must** be headed by a Chief
3 who is experienced in work for ~~[the blind. Preference shall]~~ **blind**
4 **persons. Preference must** be given to qualified blind persons in
5 filling the position of Chief.

6 2. The Bureau shall:

7 (a) Assist blind persons in achieving physical and psychological
8 orientation, inform blind persons of available services, stimulate and
9 assist ~~[the]~~ blind **persons** in achieving social and economic
10 independence, and do all things which will ameliorate the condition
11 of ~~[the blind.]~~ **blind persons.**

12 (b) Provide intensive programs of case finding, education,
13 training, job findings and placement, physical restoration, and such
14 other services and equipment as may assist in rendering blind
15 persons more self-supporting and socially independent.

16 3. The Bureau may:

17 (a) Provide for treatment or operations to prevent blindness or
18 restore vision to applicants for or recipients of services to ~~[the]~~ blind
19 **persons** who request and make written application for such
20 treatment or operation; and

21 (b) Pay for all necessary expenses incurred in connection with
22 the diagnosis and treatment provided under paragraph (a). Necessary
23 expenses ~~[shall]~~ **must** include the costs of guide service,
24 maintenance while the patient is away from his home, transportation
25 to the eye physician or hospital and return to his home, and the cost
26 of nursing home care when such care is necessary.

27 **Sec. 5.** NRS 426.560 is hereby amended to read as follows:

28 426.560 1. Subject to the approval of the Department, the
29 Division shall direct the Bureau to make administrative regulations
30 to enforce the provisions of this chapter related to services for ~~[the~~
31 ~~blind.]~~ **blind persons**, which regulations must not conflict with the
32 provisions of this chapter.

33 2. The regulations must recognize that the needs and problems
34 of blind persons are special to them and may differ materially from
35 the needs and problems of other persons.

36 ~~[3.—For the purposes of NRS 426.085 and 426.091, the Division~~
37 ~~may provide by regulation for the approval of schools for guide~~
38 ~~dogs and schools for hearing dogs.]~~

39 **Sec. 6.** NRS 426.573 is hereby amended to read as follows:

40 426.573 Information with respect to any individual applying
41 for or receiving services to ~~[the]~~ blind **persons** shall not be disclosed
42 by the Bureau or any of its employees to any person, association or
43 body unless such disclosure is related directly to carrying out the



1 provisions of NRS 426.520 to 426.610, inclusive, or upon written
2 permission of the applicant or recipient.

3 **Sec. 7.** NRS 426.610 is hereby amended to read as follows:

4 426.610 1. An applicant for or recipient of services to ~~the~~
5 blind *persons* who is aggrieved by an act, determination or omission
6 of the Bureau is entitled, in accordance with regulations, to a fair
7 hearing before a hearing officer.

8 2. A person aggrieved by the decision of a hearing officer is
9 entitled to judicial review of the decision in the manner provided by
10 chapter 233B of NRS.

11 **Sec. 8.** NRS 426.695 is hereby amended to read as follows:

12 426.695 Blind persons who operate a vending stand pursuant to
13 the provisions of NRS 426.630 to 426.720, inclusive, may keep a
14 ~~guide dog or other~~ service animal with them at all times on the
15 premises where that vending stand is located.

16 **Sec. 9.** NRS 426.790 is hereby amended to read as follows:

17 426.790 1. A person shall not:

18 (a) Without legal justification, interfere with, or allow a dog *or*
19 *other animal* he owns, harbors or controls to interfere with ~~the~~ the
20 use of a service animal *or service animal in training* by obstructing,
21 intimidating or otherwise jeopardizing the safety of the service
22 animal *or service animal in training* or the person using the service
23 animal ~~the~~ *or service animal in training*.

24 (b) Willfully and maliciously beat a service animal ~~the~~ *or service*
25 *animal in training*.

26 (c) Willfully and maliciously kill a service animal ~~the~~
27 ~~2. A~~ *or service animal in training*.

28 **2. Unless a greater penalty is provided in NRS 206.150, a**
29 person who violates:

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

32 (b) Paragraph (b) of subsection 1 is guilty of a category E felony
33 and shall be punished as provided in NRS 193.130.

34 (c) Paragraph (c) of subsection 1 is guilty of a category D felony
35 and shall be punished as provided in NRS 193.130.

36 **3. A person who violates paragraph (a), (b) or (c) of**
37 **subsection 1 is, in addition to any criminal penalty that may be**
38 **imposed, civilly liable to the person against whom the violation**
39 **was committed as provided in NRS 426.820.**

40 **4. In addition to any other penalty, the court shall order a**
41 **person convicted of a violation of paragraph (a), (b) or (c) of**
42 **subsection 1 to pay restitution to the person who has the disability**
43 **or the person who has custody or ownership of the service animal**
44 **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. 10. NRS 426.810 is hereby amended to read as follows:

426.810 1. It is unlawful for a person to allow ~~any~~ *a dog or other* 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 NRS 426.820.

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. 11. NRS 426.820 is hereby amended to read as follows:

426.820 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 *paragraph (a), (b), or (c) of subsection 1 of NRS 426.790 or* subsection 1 of NRS 426.810 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. 12. NRS 118.105 is hereby amended to read as follows:

118.105 1. A landlord may not ~~[refuse]~~ :

(a) *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.

(b) *Demand a fee or deposit because a service animal will be residing with the prospective tenant in such a dwelling.*

2. A landlord may require proof that ~~[an]~~ :

(a) *The person needs a service animal.*

(b) *The 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.]~~*

↪ The Commission shall adopt regulations, consistent with the fair housing provisions of 42 U.S.C. §§ 3601 et seq., which establish one or more methods of providing proof that must be accepted to satisfy the provisions of this subsection.

3. A landlord who violates paragraph (a) of subsection 1 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.*

4. *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.*

5. 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.~~



1 ~~(d) "Service]~~, "service animal" has the meaning ascribed to it in
2 NRS 426.097.

3 **Sec. 13.** NRS 483.800 is hereby amended to read as follows:

4 483.800 1. The following sources shall submit, within 30
5 days after learning such information, to the Department the name,
6 address, birth date, social security number, visual acuity and any
7 other information which may be required by regulation of the
8 Department, of persons who are blind or night-blind or whose vision
9 is severely impaired and shall designate whether the person is blind,
10 night-blind or has severely impaired vision:

11 (a) Hospitals, medical clinics and similar institutions which treat
12 persons who are blind, night-blind or whose vision is severely
13 impaired; and

14 (b) Agencies of the State and political subdivisions which
15 provide special tax consideration for blindness.

16 2. When any source described in subsection 1 learns that vision
17 has been restored to any person whose name appears in the registry
18 established pursuant to subsection 3, the fact of restoration of vision
19 must be reported to the registry within 30 days after learning of that
20 fact.

21 3. The Department may establish a registry for the purposes of
22 this section and adopt regulations governing reports to and operation
23 of the registry.

24 4. The Department shall maintain a file of the names,
25 addresses, birth dates and social security numbers of persons who
26 are blind or night-blind or whose vision is severely impaired.

27 5. All information learned by the Department pursuant to this
28 section is confidential and any person who, without the consent of
29 the person concerned, reveals that information for purposes other
30 than those specified in this section, or other than for administration
31 of the Program for Supplemental Security Income, including State
32 Supplementary Assistance pursuant to chapter 422 of NRS, or
33 services to ~~the~~ blind *persons* pursuant to NRS 426.520 to 426.610,
34 inclusive, is guilty of a misdemeanor.

35 **Sec. 14.** NRS 484.328 is hereby amended to read as follows:

36 484.328 1. A blind person who is on foot and using a ~~guide~~
37 ~~dog or other~~ service animal or carrying a cane or walking stick
38 white in color, or white tipped with red, has the right-of-way when
39 entering or when on a highway, street or road of this State. Any
40 driver of a vehicle who approaches or encounters such a blind
41 person shall yield the right-of-way, come to a full stop, if necessary,
42 and take precautions before proceeding to avoid accident or injury
43 to the blind person.



2. Any person who violates subsection 1 shall be punished by imprisonment in the county jail for not more than 6 months or by a fine of not less than \$100 nor more than \$500, or by both fine and imprisonment.

Sec. 15. NRS 574.280 is hereby amended to read as follows:

574.280 "Kennel" means a place where at least 10 dogs of not less than 6 months of age are kept, harbored or maintained for:

1. Boarding;
2. Training; or
3. Breeding for sale to a retailer or dealer.

↪ For the purposes of this section, spayed or neutered dogs, dogs used by or being trained for use by the Armed Forces, police officers, search and rescue teams or other similar organizations, dogs used in farming or ranching, and dogs used by or being trained for use by handicapped persons, including, but not limited to, ~~guide dogs for blind persons and~~ dogs used to assist persons in wheelchairs, must not be counted when determining the number of dogs that are being kept, harbored or maintained.

Sec. 16. 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:



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

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

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

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

20 5. It is an unlawful employment practice for any employer,
21 employment agency, labor organization or joint labor-management
22 committee to discriminate against a person with ~~{physical, aural or~~
23 ~~visual disabilities}~~ **a disability** by interfering, directly or indirectly,
24 with the use of an aid or appliance, including, without limitation, a
25 service animal, by such a person.

26 6. It is an unlawful employment practice for an employer,
27 directly or indirectly, to refuse to permit an employee with a ~~{visual~~
28 ~~or aural}~~ disability to keep his service animal with him at all times in
29 his place of employment.

30 7. As used in this section, "service animal" has the meaning
31 ascribed to it in NRS 426.097.

32 **Sec. 17.** NRS 637B.080 is hereby amended to read as follows:

33 637B.080 The provisions of this chapter do not apply to:

34 1. Any physician or any person who is working with patients or
35 clients under the direct, immediate supervision of a physician and
36 for whom the physician is directly responsible.

37 2. Any hearing aid specialist who is licensed pursuant to
38 chapter 637A of NRS and who is acting within the scope of his
39 license.

40 3. Any person who:

41 (a) Holds a current credential as an audiologist or a speech
42 pathologist issued by the Department of Education;

43 (b) Is employed as an audiologist or a speech pathologist by a
44 federal agency or the Department of Human Resources;



(c) Is a graduate student intern enrolled in a program or school approved by the Board and is pursuing a graduate degree in audiology or speech pathology;

(d) Is a registered nurse employed as a school nurse; or

(e) Holds a current certificate from the Council on the Education of the Deaf as a teacher, ~~[of the deaf.]~~

➔ and who does not engage in the private practice of audiology or of speech pathology in this State.

Sec. 18. 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 service animal.

(b) Refuse admittance or service to a person training a service animal.

(c) Refuse to permit an employee of the place of public accommodation who is training 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 *or deposit* for a service animal, *service animal in training* or a police dog ~~[]~~ *as a condition of access to the place of public accommodation.*

(f) *Require proof that an animal is a service animal or service animal in training.*

2. A place of public accommodation may ~~[require proof that an]~~:

(a) *Ask a person accompanied by an animal:*

(1) *If the* animal is a service animal or ~~[that a person is training a service animal. This requirement may be satisfied, without limitation, by exhibition of the identification card normally presented to a trainer of 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 person with a disability.]~~ *service animal in training; and*



1 (2) *What tasks the animal is trained to perform or is being*
2 *trained to perform.*

3 (b) *Ask a person to remove a service animal or service animal*
4 *in training if the animal:*

5 (1) *Is out of control and the person accompanying the*
6 *animal fails to take effective action to control it; or*

7 (2) *Poses a direct threat to the health or safety of others.*

8 3. A service animal may not be presumed dangerous by reason
9 of the fact it is not muzzled.

10 4. This section does not relieve:

11 (a) A person with a disability who is accompanied by a service
12 animal or a person who trains a service animal from liability for
13 damage caused by the service animal.

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

16 5. Persons with disabilities who are accompanied by service
17 animals are subject to the same conditions and limitations that apply
18 to persons who are not so disabled and accompanied.

19 6. Persons who are accompanied by police dogs are subject to
20 the same conditions and limitations that apply to persons who are
21 not so accompanied.

22 7. *A person who violates paragraph (e) of subsection 1 is*
23 *civily liable to the person against whom the violation was*
24 *committed for:*

25 (a) *Actual damages;*

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

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

31 8. *The remedies provided in this section are nonexclusive and*
32 *are in addition to any other remedy provided by law, including,*
33 *without limitation, any action for injunctive or other equitable*
34 *relief available to the aggrieved person or brought in the name of*
35 *the people of this State or the United States.*

36 9. As used in this section:

37 (a) "Police dog" means a dog which is owned by a state or local
38 governmental agency and which is used by a peace officer in
39 performing his duties as a peace officer.

40 (b) "Service animal" has the meaning ascribed to it in
41 NRS 426.097.

42 (c) *"Service animal in training" has the meaning ascribed to it*
43 *in NRS 426.099.*



Sec. 19. 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 person with a ~~[visual, aural or physical]~~ disability because he is accompanied by a service animal;

(b) Refuse service to a person who is training a service animal because he is accompanied by the service animal ~~[]~~ *in training*; or

(c) Charge an additional fee *or a deposit* for a service animal ~~[]~~ *or service animal in training*.

2. This section does not relieve a person with a ~~[visual, aural or physical]~~ disability who is accompanied by a service animal or a person who trains a service animal from liability for damage which may be caused by the service animal ~~[]~~ *or service animal in training*.

3. Persons with ~~[visual, aural or physical]~~ disabilities accompanied by 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 without disabilities who are not so accompanied.

4. *A common carrier or other means of public conveyance or transportation operating in this State that violates any of the provisions of subsection 1 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.

5. *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.*

6. As used in this section ~~[, "service"]~~:

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

(b) *"Service animal in training" has the meaning ascribed to it in NRS 426.099.*

Sec. 20. 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 person with a ~~[visual, aural or physical]~~ disability because he is accompanied by a service animal;

(b) Refuse service to a person who is training a service animal because he is accompanied by the service animal ~~[:] in training;~~ or

(c) Charge an additional fee *or a deposit* for a service animal ~~[:] or service animal in training.~~

2. This section does not relieve a person with a ~~[visual, aural or physical]~~ disability who is accompanied by a service animal or a person who trains a service animal from liability for damage which may be caused by the service animal ~~[:] or service animal in training.~~

3. Persons with ~~[visual, aural or physical]~~ disabilities accompanied by 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 without disabilities who are not so accompanied.

4. *A common motor carrier of passengers or other means of public conveyance or transportation operating in this State that violates any of the provisions of subsection 1 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.*

5. *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.*

6. As used in this section ~~[, "service"]~~:

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

(b) *"Service animal in training" has the meaning ascribed to it in NRS 426.099.*

Sec. 21. NRS 426.075, 426.081, 426.083, 426.085, 426.091 and 426.095 are hereby repealed.

Sec. 22. 1. This section becomes effective on July 1, 2005.

2. Section 12 of this act becomes effective on July 1, 2005, for the purpose of adopting regulations and on October 1, 2005, for all other purposes.

3. Sections 1 to 11, inclusive, and 13 to 21, inclusive, of this act become effective on October 1, 2005.



LEADLINES OF REPEALED SECTIONS

- 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.



