
ASSEMBLY BILL NO. 408—ASSEMBLYWOMAN HARDY

MARCH 21, 2019

JOINT SPONSORS: SENATORS HAMMOND; AND SEEVERS GANSERT

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to animals in certain public places. (BDR 54-689)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 animals; revising provisions governing the access of service animals and service animals in training to certain places; requiring a place of public accommodation, a common carrier, a common motor carrier of passengers or other means of public conveyance or transportation to post a sign providing certain information to patrons concerning such access; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, it is unlawful for a place of public accommodation, a
2 common carrier, a common motor carrier of passengers or other means of public
3 conveyance or transportation to refuse admittance or service to a person with a
4 disability who is accompanied by a service animal or a person accompanied by a
5 service animal in training. A place of public accommodation, a common carrier,
6 a common motor carrier of passengers or other means of public conveyance or
7 transportation may ask a person accompanied by a service animal or service animal
8 in training to remove the animal if the animal is: (1) out of control and the person
9 accompanying the animal fails to take action to control it; or (2) poses a direct
10 threat to the health or safety or others. (NRS 651.075, 704.145, 706.366) **Sections**
11 **1, 4 and 5** of this bill require a place of public accommodation, a common carrier, a
12 common motor carrier of passengers or other means of public conveyance or
13 transportation to ask any person accompanied by an animal to remove the animal if
14 the animal: (1) exhibits out of control or aggressive behavior, including, without
15 limitation, barking, lunging, growling or other conduct that may cause other patrons
16 to feel fearful or uncomfortable and the person accompanying the animal fails to



17 take action to control the animal; or (2) poses a direct threat to the health or safety
 18 of others or to a service animal or service animal in training. **Sections 1, 4 and 5**
 19 make it a misdemeanor for a person to refuse a request to remove the animal in
 20 such circumstances. **Sections 1, 4 and 5** also require a place of public
 21 accommodation, a common carrier, a common motor carrier of passengers or other
 22 means of public conveyance or transportation to post a sign notifying patrons that
 23 an animal must be removed if such a request is made in such circumstances.
 24 **Sections 4 and 5** of this bill also authorize a common carrier, a common motor
 25 carrier of passengers or other means of public conveyance or transportation to ask a
 26 person accompanied by an animal if the animal is a service animal or service
 27 animal in training and what tasks the animal is trained or being trained to perform.

28 Existing law imposes a fine of \$500 on a person convicted of fraudulently
 29 misrepresenting an animal as a service animal or service animal in training. (NRS
 30 426.805) Existing law also imposes a fine of \$500 on a person who allows a dog or
 31 other animal within the ownership or control of the person to cause the death of any
 32 service animal or service animal in training or to cause certain injuries to a service
 33 animal, a service animal in training, a person with a disability who is accompanied
 34 by a service animal or a person who trains service animals and is accompanied by a
 35 service animal in training. (NRS 426.810) **Sections 2 and 3** of this bill increase
 36 each of those fines to \$1,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 651.075 is hereby amended to read as follows:
 2 651.075 1. Except as otherwise provided in subsection 5 and
 3 NRS 644A.940, it is unlawful for a place of public accommodation
 4 to:

5 (a) Refuse admittance or service to a person with a disability
 6 because the person is accompanied by a service animal.

7 (b) Refuse admittance or service to a person who is training a
 8 service animal because the person is accompanied by a service
 9 animal in training.

10 (c) Refuse to permit an employee of the place of public
 11 accommodation who is training a service animal to bring the service
 12 animal in training into:

13 (1) The place of public accommodation; or

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

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

19 (e) Charge an additional fee or deposit for a service animal,
 20 service animal in training or a police dog as a condition of access to
 21 the place of public accommodation.

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

24 2. A place of public accommodation : ~~may~~



1 (a) ~~[Ask]~~ *May ask* a person accompanied by an animal:

2 (1) If the animal is a service animal or service animal in
3 training; and

4 (2) What tasks the animal is trained to perform or is being
5 trained to perform.

6 (b) ~~[Ask]~~ *Shall ask* a person to remove a service animal , ~~[or]~~
7 service animal in training *or any other animal on the premises* if
8 the animal:

9 (1) ~~[Is]~~ *Exhibits* out of control *or aggressive behavior,*
10 *including, without limitation, barking, lunging, growling or other*
11 *conduct that may cause other patrons to feel fearful or*
12 *uncomfortable* and the person accompanying the animal fails to
13 take effective action to control ~~[it,]~~ *the animal;* or

14 (2) Poses a direct threat to the health or safety of others ~~[]~~ *or*
15 *to a service animal or service animal in training.*

16 3. *It is unlawful for a person to refuse a request made*
17 *pursuant to paragraph (b) of subsection 2 to remove the animal*
18 *that is exhibiting out of control or aggressive behavior. A person*
19 *who violates this subsection is guilty of a misdemeanor.*

20 4. *A place of public accommodation shall post a sign in a*
21 *conspicuous place near the entrance of the place of public*
22 *accommodation that provides notice to patrons of the provisions of*
23 *this section requiring an animal to be removed if it is exhibiting*
24 *out of control or aggressive behavior and a request is made for its*
25 *removal pursuant to paragraph (b) of subsection 2.*

26 5. A service animal may not be presumed dangerous by reason
27 of the fact it is not muzzled.

28 ~~[4.]~~ 6. This section does not relieve:

29 (a) A person with a disability who is accompanied by a service
30 animal or a person who is accompanied by a service animal in
31 training from liability for damage caused by the service animal or
32 service animal in training.

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

35 ~~[5.]~~ 7. A place of public accommodation is not required to
36 comply with the provisions of subsection 1 with regard to a service
37 animal or service animal in training that is a miniature horse if
38 the place of public accommodation determines that it is not
39 reasonable to comply, using the assessment factors set forth in 28
40 C.F.R. § 36.302.

41 ~~[6.]~~ 8. Persons with disabilities who are accompanied by
42 service animals are subject to the same conditions and limitations
43 that apply to persons who are not so disabled and accompanied.



1 ~~7.1~~ 9. Persons who are accompanied by police dogs are subject
2 to the same conditions and limitations that apply to persons who are
3 not so accompanied.

4 ~~8.1~~ 10. A person who violates paragraph (e) of subsection 1 is
5 civilly liable to the person against whom the violation was
6 committed for:

7 (a) Actual damages;

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

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

13 ~~9.1~~ 11. The remedies provided in this section are nonexclusive
14 and are in addition to any other remedy provided by law, including,
15 without limitation, any action for injunctive or other equitable relief
16 available to the aggrieved person or brought in the name of the
17 people of this State or the United States.

18 ~~10.1~~ 12. As used in this section:

19 (a) "Police dog" means a dog which is owned by a state or local
20 governmental agency and which is used by a peace officer in
21 performing his or her duties as a peace officer.

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

24 (c) "Service animal in training" has the meaning ascribed to it in
25 NRS 426.099.

26 **Sec. 2.** NRS 426.805 is hereby amended to read as follows:

27 426.805 1. It is unlawful for a person to fraudulently
28 misrepresent an animal as a service animal or service animal in
29 training.

30 2. A person convicted of fraudulently misrepresenting an
31 animal as a service animal or service animal in training is guilty of a
32 misdemeanor and shall be punished by a fine of ~~not more than~~
33 ~~\$500.1~~ **\$1,000.**

34 **Sec. 3.** NRS 426.810 is hereby amended to read as follows:

35 426.810 1. It is unlawful for a person to allow a dog or other
36 animal that the person owns, harbors or controls to cause injury to or
37 the death of any service animal or service animal in training, or to
38 endanger or cause injury to a person who has a disability and is
39 accompanied by a service animal or a person who trains service
40 animals and is accompanied by a service animal in training.

41 2. Any person, including, without limitation, any firm,
42 association or corporation, who violates the provisions of
43 subsection 1:

44 (a) Is guilty of a misdemeanor and shall be punished by a fine of
45 ~~not more than \$500.1~~ **\$1,000;** and



1 (b) In addition to any criminal penalty that may be imposed, is
2 civilly liable to the person against whom the violation was
3 committed as provided in NRS 426.820.

4 3. In addition to any other penalty, the court shall order a
5 person convicted of a violation of subsection 1 to pay restitution to
6 the person who has the disability or the person who has custody or
7 ownership of the service animal or service animal in training for any
8 veterinary bills, and for the replacement cost of the service animal
9 or service animal in training if it was killed or disabled or has
10 become mentally or physically unable to perform its duties. The
11 restitution must cover all costs for aides, assistance, transportation
12 and other hardships incurred during the absence, and until the
13 replacement, of the service animal or service animal in training.

14 **Sec. 4.** NRS 704.145 is hereby amended to read as follows:

15 704.145 1. Except as otherwise provided in subsection ~~2~~ 6,
16 it is unlawful for a common carrier or other means of public
17 conveyance or transportation operating in this State to:

18 (a) Refuse service to a person with a disability because the
19 person is accompanied by a service animal;

20 (b) Refuse service to a person who is training a service animal
21 because the person is accompanied by the service animal in training;
22 or

23 (c) Charge an additional fee or a deposit for a service animal or
24 service animal in training.

25 2. *A common carrier or other means of public conveyance or*
26 *transportation:*

27 (a) *May ask a person accompanied by an animal:*

28 (1) *If the animal is a service animal or service animal in*
29 *training; and*

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

32 (b) *Shall ask a person to remove a service animal, service*
33 *animal in training or any other animal if the animal:*

34 (1) *Exhibits out of control or aggressive behavior,*
35 *including, without limitation, barking, lunging, growling or other*
36 *conduct that may cause other patrons to feel fearful or*
37 *uncomfortable and the person accompanying the animal fails to*
38 *take effective action to control the animal; or*

39 (2) *Poses a direct threat to the health or safety of others or*
40 *to a service animal or service animal in training.*

41 3. *It is unlawful for a person to refuse a request made*
42 *pursuant to paragraph (b) of subsection 2 to remove the animal*
43 *that is exhibiting out of control or aggressive behavior. A person*
44 *who violates this subsection is guilty of a misdemeanor.*



1 **4. A common carrier or other means of public conveyance or**
2 **transportation shall post a sign near the entrance of the common**
3 **carrier or other means of public conveyance or transportation that**
4 **provides notice to patrons of the provisions of this section**
5 **requiring an animal to be removed if it is exhibiting out of control**
6 **or aggressive behavior and a request is made for its removal**
7 **pursuant to paragraph (b) of subsection 2.**

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

10 **6. A common carrier or other means of public conveyance or**
11 **transportation is not required to comply with the provisions of**
12 **subsection 1 with regard to a service animal or service animal in**
13 **training that is a miniature horse if it determines that it is not**
14 **reasonable to comply, using the assessment factors set forth in 28**
15 **C.F.R. § 36.302.**

16 ~~3.7~~ **7. This section does not relieve a person with a disability**
17 **who is accompanied by a service animal or a person who is**
18 **accompanied by a service animal in training from liability for**
19 **damage which may be caused by the service animal or service**
20 **animal in training.**

21 ~~4.7~~ **8. Persons with disabilities accompanied by service**
22 **animals on common carriers or other means of public conveyance or**
23 **transportation operating in this State are subject to the same**
24 **conditions and limitations that apply to persons without disabilities**
25 **who are not so accompanied.**

26 ~~5.7~~ **9. A common carrier or other means of public conveyance**
27 **or transportation operating in this State that violates any of the**
28 **provisions of subsection 1 is civilly liable to the person against**
29 **whom the violation was committed for:**

30 (a) Actual damages;

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

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

36 ~~6.7~~ **10. The remedies provided in this section are nonexclusive**
37 **and are in addition to any other remedy provided by law, including,**
38 **without limitation, any action for injunctive or other equitable relief**
39 **available to the aggrieved person or brought in the name of the**
40 **people of this State or the United States.**

41 ~~7.7~~ **11. As used in this section:**

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

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



Sec. 5. NRS 706.366 is hereby amended to read as follows:

706.366 1. Except as otherwise provided in subsection ~~[2.]~~ 6, 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 disability because the person is accompanied by a service animal;

(b) Refuse service to a person who is training a service animal because the person 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. *A common motor carrier of passengers or other means of public conveyance or transportation:*

(a) *May ask a person accompanied by an animal:*

(1) *If the animal is a service animal or service animal in training; and*

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

(b) *Shall ask a person to remove a service animal, service animal in training or any other animal if the animal:*

(1) *Exhibits out of control or aggressive behavior, including, without limitation, barking, lunging, growling or other conduct that may cause other patrons to feel fearful or uncomfortable and the person accompanying the animal fails to take effective action to control the animal; or*

(2) *Poses a direct threat to the health or safety of others or to a service animal or service animal in training.*

3. *It is unlawful for a person to refuse a request made pursuant to paragraph (b) of subsection 2 to remove the animal that is exhibiting out of control or aggressive behavior. A person who violates this subsection is guilty of a misdemeanor.*

4. *A common motor carrier of passengers or other means of public conveyance or transportation shall post a sign near the entrance of the common carrier or other means of public conveyance or transportation that provides notice to patrons of the provisions of this section requiring an animal to be removed if it is exhibiting out of control or aggressive behavior and a request is made for its removal pursuant to paragraph (b) of subsection 2.*

5. *A service animal may not be presumed dangerous by reason of the fact it is not muzzled.*

6. A common motor carrier of passengers or other means of public conveyance or transportation is not required to comply with the provisions of subsection 1 with regard to a service animal or service animal in training that is a miniature horse if it determines



1 that it is not reasonable to comply, using the assessment factors set
2 forth in 28 C.F.R. § 36.302.

3 ~~{3-}~~ 7. This section does not relieve a person with a disability
4 who is accompanied by a service animal or a person who is
5 accompanied by a service animal in training from liability for
6 damage which may be caused by the service animal or service
7 animal in training.

8 ~~{4-}~~ 8. Persons with disabilities accompanied by service
9 animals on common motor carriers of passengers or other means of
10 public conveyance or transportation operating in this State are
11 subject to the same conditions and limitations that apply to persons
12 without disabilities who are not so accompanied.

13 ~~{5-}~~ 9. A common motor carrier of passengers or other means
14 of public conveyance or transportation operating in this State that
15 violates any of the provisions of subsection 1 is civilly liable to the
16 person against whom the violation was committed for:

17 (a) Actual damages;

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

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

23 ~~{6-}~~ 10. The remedies provided in this section are nonexclusive
24 and are in addition to any other remedy provided by law, including,
25 without limitation, any action for injunctive or other equitable relief
26 available to the aggrieved person or brought in the name of the
27 people of this State or the United States.

28 ~~{7-}~~ 11. As used in this section:

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

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

33 **Sec. 6.** This act becomes effective on July 1, 2019, for the
34 purpose of adopting regulations and performing any preliminary
35 administrative tasks that are necessary to carry out the provisions of
36 this act and on January 1, 2020, for all other purposes.

