

ASSEMBLY BILL NO. 135—ASSEMBLYMEN HARDY, DICKMAN;
HAFEN AND LEAVITT

FEBRUARY 15, 2021

JOINT SPONSORS: SENATORS HAMMOND, BUCK; AND HARDY

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to animals. (BDR 54-72)

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 animals 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 or passengers concerning such access; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is unlawful for a place of public accommodation, a common carrier, a common motor carrier of passengers or other means of public conveyance or transportation to refuse admittance or service to a person with a disability who is accompanied by a service animal or a person accompanied by a service animal in training. Existing law authorizes a place of public accommodation to ask a person accompanied by a service animal or service animal in training to remove the animal if the animal: (1) is out of control and the person accompanying the animal fails to take action to control it; or (2) poses a direct threat to the health or safety of others. (NRS 651.075) **Section 1** of this bill: (1) makes such a request mandatory; (2) expands the request to any animal accompanying a person; (3) makes it punishable by a civil penalty for a person to refuse such a request; and (4) requires a place of accommodation to post a sign notifying patrons of the mandatory request and the civil penalties for refusal to comply with the request. **Sections 2 and 3** of this bill extend these provisions to a common carrier and a common motor carrier of passengers or other means of public conveyance or transportation. **Sections 2 and 3** also extend to a common carrier and a common motor carrier of passengers or other means of public conveyance or transportation



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18 the authority to ask a person accompanied by an animal if the animal is a service
19 animal or service animal in training and what tasks the animal is trained or being
20 trained to perform.

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~~ 7
3 and NRS 644A.940, it is unlawful for a place of public
4 accommodation 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~~:

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

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

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

30 (b) ~~Ask~~ *Shall ask* a person ~~to remove~~ *who is accompanied*
31 *by* a service animal , ~~or~~ *service animal in training or any other*
32 *animal on the premises to remove the animal* if the animal:

33 (1) ~~Is~~ *Exhibits* out of control *or aggressive behavior,*
34 *including, without limitation, barking, lunging, growling or other*
35 *conduct that may cause other patrons to feel fearful or*
36 *uncomfortable,* and the person accompanying the animal fails to
37 take effective action to control ~~it~~ *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. *A person shall not refuse a request to remove an animal made pursuant to paragraph (b) of subsection 2. A person who violates this subsection is subject to a civil penalty of not more than \$500 for each violation.*

4. *A place of public accommodation shall post a sign in a conspicuous place near the entrance of the place of public accommodation that provides notice to patrons of the provisions of paragraph (b) of subsection 2 and subsection 3.*

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

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

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

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

~~[5.]~~ 7. A place of public accommodation 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 the place of public accommodation determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

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

~~[7.]~~ 9. Persons who are accompanied by police dogs are subject to the same conditions and limitations that apply to persons who are not so accompanied.

~~[8.]~~ 10. A person who violates paragraph (e) 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.

~~[9.]~~ 11. 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.



~~140.1~~ 12. As used in this section:

(a) "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 or her duties as a peace officer.

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

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

Sec. 2. NRS 704.145 is hereby amended to read as follows:

704.145 1. Except as otherwise provided in subsection ~~2.1~~ 6, 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 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 carrier 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 who is accompanied by a service animal, service animal in training or any other animal to remove the 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 passengers 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. *A person shall not refuse a request to remove an animal made pursuant to paragraph (b) of subsection 2. A person who violates this subsection is subject to a civil penalty of not more than \$500 for each violation.*

4. *A common carrier or other means of public conveyance or transportation shall post a sign in a conspicuous place that provides notice to passengers of the provisions of paragraph (b) of subsection 2 and subsection 3.*



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

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

9 ~~[3-]~~ **7.** This section does not relieve a person with a disability
10 who is accompanied by a service animal or a person who is
11 accompanied by a service animal in training from liability for
12 damage which may be caused by the service animal or service
13 animal in training.

14 ~~[4-]~~ **8.** Persons with disabilities accompanied by service
15 animals on common carriers or other means of public conveyance or
16 transportation operating in this State are subject to the same
17 conditions and limitations that apply to persons without disabilities
18 who are not so accompanied.

19 ~~[5-]~~ **9.** A common carrier or other means of public conveyance
20 or transportation operating in this State that violates any of the
21 provisions of subsection 1 is civilly liable to the person against
22 whom the violation was committed for:

23 (a) Actual damages;

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

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

29 ~~[6-]~~ **10.** The remedies provided in this section are nonexclusive
30 and are in addition to any other remedy provided by law, including,
31 without limitation, any action for injunctive or other equitable relief
32 available to the aggrieved person or brought in the name of the
33 people of this State or the United States.

34 ~~[7-]~~ **11.** As used in this section:

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

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

39 **Sec. 3.** NRS 706.366 is hereby amended to read as follows:

40 706.366 1. Except as otherwise provided in subsection ~~[2-]~~ **6,**
41 it is unlawful for a common motor carrier of passengers or other
42 means of public conveyance or transportation operating in this State
43 to:

44 (a) Refuse service to a person with a disability because the
45 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 who is accompanied by a service animal, service animal in training or any other animal to remove the 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 passengers 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. A person shall not refuse a request to remove an animal made pursuant to paragraph (b) of subsection 2. A person who violates this subsection is subject to a civil penalty of not more than \$500 for each violation.

4. A common motor carrier of passengers or other means of public conveyance or transportation shall post a sign in a conspicuous place that provides notice to passengers of the provisions of paragraph (b) of subsection 2 and subsection 3.

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

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

~~[4-]~~ *8. Persons with 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.

~~[5-]~~ **9.** 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.

~~[6-]~~ **10.** 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.

~~[7-]~~ **11.** As used in this section:

(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. 4. 1. This section becomes effective on July 1, 2021.

2. Sections 1, 2 and 3 of this act become effective:

(a) On July 1, 2021, for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

