

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2365
(Senators Erbele, Trenbeath)
(Representatives Kretschmar, Metcalf, Pollert)

AN ACT to create and enact two new sections to chapter 25-13 of the North Dakota Century Code, relating to assistance dogs; to amend and reenact sections 25-13-02, 25-13-03, 25-13-04, 39-10-33.3, and subsection 22 of section 40-05-02 of the North Dakota Century Code, relating to the rights of individuals with disabilities who are accompanied by assistance dogs and the licensing of assistance dogs; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 25-13 of the North Dakota Century Code is created and enacted as follows:

Assistance dog - Definition. For purposes of this Act:

1. "Assistance dog" includes a dog that has been specially trained to assist an individual with a disability. The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.
2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis.

SECTION 2. AMENDMENT. Section 25-13-02 of the North Dakota Century Code is amended and reenacted as follows:

~~**25-13-02. Blind or handicapped person accompanied by guide or service dog.** Every totally or partially blind person has the right to be accompanied by a guide dog and every handicapped person has the right to be accompanied by a service dog, especially trained for these purposes, in places of public accommodations, common carriers, facilities of a health care provider, and all places in to which the public is generally invited, without being required to pay an extra charge for the guide or service dog; provided, that such persons are liable for any damage done to the premises or facilities by the dogs.~~
25-13-02. Individual with a disability - Assistance dog to be admitted to - Admission to public places. Every individual with a disability is entitled to be accompanied by a guide or service dog in places of public accommodations, common carriers, facilities of a health care provider, and all places in to which the public is generally invited, without being required to pay an extra charge for the guide or service dog; provided, that the individual is liable for any damage done to the premises or facilities by the dog.

SECTION 3. A new section to chapter 25-13 of the North Dakota Century Code is created and enacted as follows:

Trainer and assistance dog in training - Admission to public places.

1. A trainer with an assistance dog in training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to pay an extra charge for the assistance dog in training, provided:
 - a. The trainer notifies an onsite manager that an assistance dog in training is being brought onto the premises;

- b. The trainer wears a photo identification card issued by a nationally recognized dog training program; and
 - c. The trainer is liable for any damage done to the premises or facility by the assistance dog in training.
2. Upon receiving notice as provided in subsection 1, the onsite manager may not deny admission to the trainer and the assistance dog in training without good cause.

SECTION 4. AMENDMENT. Section 25-13-03 of the North Dakota Century Code is amended and reenacted as follows:

25-13-03. ~~Precautions of driver~~ Driver of motor vehicle when approaching blind persons - Precaution - Individual with assistance dog. ~~The If the driver of a motor vehicle approaching a totally or partially approaches an individual who is blind pedestrian or visually impaired and who is carrying a cane predominately white or metallic in color, with or without a red tip, or using a guide who is accompanied by an assistance dog, the driver shall take all reasonable precautions to avoid injury to such blind pedestrian, and any the individual and the assistance dog. Any driver who fails to take such reasonable precautions is liable in damages to the individual for any injury caused such pedestrian; provided that a totally or partially. An individual who is blind pedestrian or visually impaired and not carrying such a cane or using a guide an individual with a disability who is not accompanied by an assistance dog in any of the places, accommodations, or conveyances listed in section 25-13-02, shall have has all of the rights and privileges conferred by law upon other persons, and the individuals. The failure of a totally or partially an individual who is blind pedestrian or visually impaired to carry such a cane or use a guide the failure of an individual with a disability to be accompanied by an assistance dog in any such places, accommodations, or conveyances may not itself be held to constitute nor be is not by itself evidence of contributory negligence fault.~~

SECTION 5. AMENDMENT. Section 25-13-04 of the North Dakota Century Code is amended and reenacted as follows:

25-13-04. Penalty for interfering or denying use of facilities. ~~Any person or the agent of any person who denies or interferes with admittance to or enjoyment of the public places or facilities enumerated in section 25-13-02 or otherwise interferes with the rights of a totally or partially an individual who is blind person or visually impaired, or with the rights of an individual who is accompanied by an assistance dog, is guilty of a class A misdemeanor. This section does not apply to a denial of admission under section 3 of this Act.~~

SECTION 6. AMENDMENT. Section 39-10-33.3 of the North Dakota Century Code is amended and reenacted as follows:

39-10-33.3. Blind pedestrian right of way. ~~The driver of a vehicle shall yield the right of way to any blind pedestrian an individual who is blind or visually impaired and carrying a clearly visible white cane or to an individual with a disability who is accompanied by a guide an assistance dog.~~

SECTION 7. AMENDMENT. Subsection 22 of section 40-05-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

22. Dogs. To license dogs, and to regulate the keeping of dogs including authorization for their disposition or destruction in order to protect the health, safety, and general welfare of the public; provided, however, that license fees are waived in the case of an assistance dog.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2365.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 89 Nays 1 Absent 8

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State