

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2365

Introduced by

Senators Erbele, Trenbeath

Representatives Kretschmar, Metcalf, Pollert

1 A BILL for an Act to create and enact two new sections to chapter 25-13 of the North Dakota
2 Century Code, relating to assistance dogs; to amend and reenact sections 25-13-02, 25-13-03,
3 25-13-04, 39-10-33.3, and subsection 22 of section 40-05-02 of the North Dakota Century
4 Code, relating to the rights of individuals with disabilities who are accompanied by assistance
5 dogs and the licensing of assistance dogs; and to provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

9 **Assistance dog - Definition.** For purposes of this Act, an assistance dog is a dog that
10 has been specially trained to assist an individual with a disability.

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

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

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

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

- 1 1. A trainer with an assistance dog in training may enter any place of public
2 accommodation, common carrier, facility of a health care provider, and any place
3 to which the public is generally invited, without being required to pay an extra
4 charge for the assistance dog in training, provided:
 - 5 a. The trainer notifies an onsite manager that an assistance dog in training is
6 being brought onto the premises;
 - 7 b. The trainer wears a photo identification card issued by a dog training program
8 holding membership in assistance dogs international; and
 - 9 c. The trainer is liable for any damage done to the premises or facility by the
10 assistance dog in training.
- 11 2. Upon receiving notice as provided in subsection 1, the onsite manager may not
12 deny admission to the trainer and the assistance dog in training without good
13 cause.

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

16 **25-13-03. ~~Precautions of driver~~ Driver of motor vehicle when approaching blind**
17 **persons - Precaution - Individual with assistance dog.** ~~The~~ If the driver of a motor vehicle
18 ~~approaching a totally or partially~~ approaches an individual who is blind pedestrian or visually
19 ~~impaired and~~ who is carrying a cane predominately white or metallic in color, with or without a
20 ~~red tip, or using a guide who is accompanied by an assistance dog, the driver shall take all~~
21 ~~reasonable precautions to avoid injury to such blind pedestrian, and any the individual and the~~
22 ~~assistance dog. Any driver who fails to take such reasonable precautions is liable in damages~~
23 ~~to the individual for any injury caused such pedestrian; provided that a totally or partially. An~~
24 ~~individual who is blind pedestrian or visually impaired and not carrying such a cane or using a~~
25 ~~guide an individual with a disability who is not accompanied by an assistance dog in any of the~~
26 ~~places, accommodations, or conveyances listed in section 25-13-02, shall have~~ has ~~all of the~~
27 ~~rights and privileges conferred by law upon other persons, and the individuals. The failure of a~~
28 ~~totally or partially an individual who is blind pedestrian or visually impaired to carry such a cane~~
29 ~~or use a guide the failure of an individual with a disability to be accompanied by an assistance~~
30 ~~dog in any such places, accommodations, or conveyances may not itself be held to constitute~~
31 ~~nor be~~ is not by itself evidence of contributory negligence.

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

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

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

11 **39-10-33.3. Blind pedestrian right of way.** The driver of a vehicle shall yield the right
12 of way to ~~any blind pedestrian~~ an individual who is blind or visually impaired and carrying a
13 clearly visible white cane or to an individual with a disability who is accompanied by a guide an
14 assistance dog.

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

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