

SENATE BILL NO.

Introduced by

Senator Nelson

1 A BILL for an Act to create and enact a new section to chapter 25-13 of the North Dakota
2 Century Code, relating to killing or injuring a service animal; and to amend and reenact sections
3 25-13-01.1, 25-13-02, 25-13-02.1, 25-13-03, 25-13-04, and 25-13-05 of the North Dakota
4 Century Code, relating to service animals; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 25-13-01.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **25-13-01.1. Definitions.** For purposes of this chapter:

- 9 1. ~~"Assistance dog" includes a dog that has been specially trained to assist an~~
10 ~~individual with a disability. The term includes guide dogs that guide individuals~~
11 ~~who are legally blind, hearing dogs that alert individuals who are hard of hearing to~~
12 ~~specific sounds, and service dogs for individuals with disabilities other than~~
13 ~~blindness or deafness. The term does not include a dog that is not trained to~~
14 ~~mitigate an individual's disability, but the presence of which is to provide for the~~
15 ~~comfort, protection, or personal defense of an individual.~~
16 2. ~~"Service dogs" includes dogs~~ "Service animal" means any guide dog, signal dog,
17 or other animal trained to do work, or perform a variety of physical tasks, including
18 pulling for the benefit of an individual with a disability. The term includes an animal
19 that provides protection services to an individual with a disability, pulls a
20 wheelchair, lending lends balance support, retrieving retrieves dropped objects,
21 and providing or provides assistance in a medical crisis.

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

1 **25-13-02. Individual with a disability - ~~Assistance dog~~ Service animal - Admission**
2 **to public places.** An individual with a disability is entitled to be accompanied by ~~an assistance~~
3 ~~dog~~ a service animal in places of public accommodations, common carriers, facilities of a health
4 care provider, and all places to which the public is generally invited, without being required to
5 pay an extra charge for the ~~assistance dog~~ animal; provided, that the individual is liable for any
6 damage done to the premises or facility by the ~~assistance dog~~ animal.

7 **SECTION 3. AMENDMENT.** Section 25-13-02.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **25-13-02.1. Trainer and ~~assistance dog~~ a service animal in training - Admission**
10 **to public places.**

- 11 1. A trainer with an assistance dog in training may enter any place of public
12 accommodation, common carrier, facility of a health care provider, and any place
13 to which the public is generally invited, without being required to pay an extra
14 charge for the ~~assistance dog~~ service animal in training, provided:
- 15 a. The trainer notifies an onsite manager that ~~an assistance dog~~ a service
16 animal in training is being brought onto the premises;
 - 17 b. The trainer wears a photo identification card issued by a nationally recognized
18 dog training program; and
 - 19 c. The trainer is liable for any damage done to the premises or facility by the
20 ~~assistance dog~~ service animal in training.
- 21 2. Upon receiving notice as provided in subsection 1, the onsite manager may not
22 deny admission to the trainer and the ~~assistance dog~~ service animal in training
23 without good cause.

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

26 **25-13-03. Driver of motor vehicle - Precaution - Individual with ~~assistance dog~~**
27 **service animal** If the driver of a motor vehicle approaches an individual who is blind or visually
28 impaired and who is carrying a cane predominately white or metallic in color, with or without a
29 red tip, or who is accompanied by ~~an assistance dog~~ a service animal, the driver shall take all
30 reasonable precautions to avoid injury to the individual and the ~~assistance dog~~ service animal.
31 Any driver who fails to take reasonable precautions is liable to the individual for any injury

1 caused. An individual who is blind or visually impaired and not carrying a cane or an individual
2 with a disability who is not accompanied by ~~an assistance dog~~ a service animal has all of the
3 rights and privileges conferred by law upon other individuals. The failure of an individual who is
4 blind or visually impaired to carry a cane or the failure of an individual with a disability to be
5 accompanied by ~~an assistance dog~~ a service animal is not by itself evidence of fault.

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

8 **25-13-04. Penalty for interfering or denying use of facilities.** Any person who
9 denies or interferes with admittance to or enjoyment of the public places or facilities
10 enumerated in section 25-13-02 or otherwise interferes with the rights of an individual who is
11 blind or visually impaired, or with the rights of an individual who is accompanied by ~~an~~
12 ~~assistance dog~~ a service animal, is guilty of a class A misdemeanor. This section does not
13 apply to a denial of admission under section 25-13-02.1.

14 **SECTION 6.** A new section to chapter 25-13 of the North Dakota Century Code is
15 created and enacted as follows:

16 **Killing or injury of service animal - Penalty.**

- 17 1. a. A Person is guilty of a class B misdemeanor if that person willfully:
18 (1) Harasses, taunts, provokes, or torments a service animal; or
19 (2) Interferes with a service animal while the animal is working.
20 b. A person is guilty of a class A misdemeanor if that person willfully and
21 unjustifiably harms a service animal.
22 c. A person is guilty of a class C felony if that person willfully and unjustifiably:
23 (1) Causes debilitating bodily injury to a service animal; or
24 (2) Causes the death of a service animal.
25 2. This section does not apply to a veterinarian who terminates the life of a
26 service animal to relieve the animal of undue suffering and pain.

27 **SECTION 7. AMENDMENT.** Section 25-13-05 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **25-13-05. State employment of blind and disabled.** It is the policy of this state that
30 the blind, the visually handicapped, and the otherwise physically disabled shall be employed in
31 the state service, the service of the political subdivisions of the state, the public schools, and all

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- 1 other employment supported in whole or in part by public funds on the same terms and
- 2 conditions as the able-bodied, unless the particular disability prevents the performance of the
- 3 work involved.