

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2211

Introduced by

Senators Nelson, Lyson, Oehlke

Representatives Hawken, Pinkerton, Potter

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; 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, or
17 other animal trained to do work, perform a variety of physical tasks, including
18 pulling or provide assistance for the benefit of an individual with a disability. The
19 term includes an animal trained to provide assistance or protection services to an
20 individual with a disability, pull a wheelchair, lending lend balance support,
21 retrieving retrieve dropped objects, and providing or provide assistance in a
22 medical crisis.

23 **SECTION 2. AMENDMENT.** Section 25-13-02 of the North Dakota Century Code is
24 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
4 health care provider, and all places to which the public is generally invited, without being
5 required to pay an extra charge for the ~~assistance dog~~ animal; provided, that the individual is
6 liable for any 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~~ a service animal in training may enter any place
12 of public accommodation, common carrier, facility of a health care provider, and
13 any place to which the public is generally invited, without being required to pay an
14 extra 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~~ service animal 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
28 visually impaired and who is carrying a cane predominately white or metallic in color, with or
29 without a red tip, or who is accompanied by ~~an assistance dog~~ a service animal, the driver shall
30 take all reasonable precautions to avoid injury to the individual and the ~~assistance dog~~ service
31 animal. Any driver who fails to take reasonable precautions is liable to the individual for any

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

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

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

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

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

- 18 1. A person is guilty of a class C felony and is subject to a civil penalty of up to ten
19 thousand dollars if that person willfully and unjustifiably kills, shoots, tortures,
20 torments, beats, kicks, strikes, mutilates, disables, or otherwise injures a service
21 animal.
- 22 2. A person is guilty of a class A misdemeanor and is subject to a civil penalty of up
23 to five thousand dollars if that person willfully:
- 24 a. Harasses, taunts, or provokes a service animal; or
25 b. Interferes with a service animal while the animal is working.
- 26 3. This section does not apply to a veterinarian who terminates the life of a service
27 animal to relieve the animal of undue suffering and pain.

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

30 **25-13-05. State employment of individuals who are blind and or otherwise**
31 **disabled.** It is the policy of this state that ~~the~~ individuals who are blind, the visually

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- 1 ~~handicapped, and the~~ impaired, or otherwise physically disabled shall be employed in the state
- 2 service, the service of the political subdivisions of the state, the public schools, and all other
- 3 employment supported in whole or in part by public funds on the same terms and conditions as
- 4 ~~the able-bodied~~ individuals who are not disabled, unless the particular disability prevents the
- 5 performance of the work involved.