

SENATE BILL NO. 2365

Introduced by

Senators Erbele, Trenbeath

Representatives Kretschmar, Metcalf, Pollert

1 A BILL for an Act to create and enact four 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, and 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; to repeal sections 25-13-01 and 25-13-05 of the
6 North Dakota Century Code, relating to legislative policy; and to provide a penalty.

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

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

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

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

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

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

1 **Refusal to provide housing - Assistance dog.** A landlord may not refuse to rent,
2 lease, or sublet an apartment or other form of housing to any individual with a disability solely
3 because an assistance dog will be residing with the individual. A landlord may require proof
4 that the dog is an assistance dog. For purposes of this section, a landlord shall accept as proof
5 identification cards or other written documentation, the presence of a special harness, markings
6 on a harness, tags, or credible verbal assurance of the individual with whom the dog is to
7 reside.

8 **SECTION 4.** A new section to chapter 25-13 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Employer - Interference with assistance dog.** An employer may not interfere with the
11 use of an assistance dog. An employer shall permit an employee with a disability to keep an
12 assistance dog at the employee's side at all times.

13 **SECTION 5.** A new section to chapter 25-13 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Trainer and assistance dog - Admission to public places.** The trainer of an
16 assistance dog, with the assistance dog, may enter any place of public accommodation,
17 common carrier, facility of a health care provider, and any place to which the public is generally
18 invited, without being required to pay an extra charge for the assistance dog, provided:

- 19 1. The trainer wears a photo identification card issued by assistance dogs
20 international indicating that the trainer is a member of assistance dogs
21 international; and
- 22 2. The trainer is liable for any damage done to the premises or facility by the
23 assistance dog.

24 **SECTION 6. AMENDMENT.** Section 25-13-03 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **~~25-13-03. Precautions of driver~~ Driver of motor vehicle when approaching blind**
27 **~~persons - Precaution - Individual with assistance dog.~~** ~~The~~ If the driver of a motor vehicle
28 ~~approaching a totally or partially~~ approaches an individual who is blind pedestrian or visually
29 impaired and who is carrying a cane predominately white or metallic in color, with or without a
30 red tip, or using a guide who is accompanied by an assistance dog, the driver shall take all
31 reasonable precautions to avoid injury to such blind pedestrian, and any the individual and the

1 ~~assistance dog. Any driver who fails to take such reasonable precautions is liable in damages~~
2 ~~to the individual for any injury caused such pedestrian; provided that a totally or partially. An~~
3 ~~individual who is blind pedestrian or visually impaired and not carrying such a cane or using a~~
4 ~~guide an individual with a disability who is not accompanied by an assistance dog in any of the~~
5 ~~places, accommodations, or conveyances listed in section 25-13-02, shall have has all of the~~
6 ~~rights and privileges conferred by law upon other persons, and the individuals. The failure of a~~
7 ~~totally or partially an individual who is blind pedestrian or visually impaired to carry such a cane~~
8 ~~or use a guide the failure of an individual with a disability to be accompanied by an assistance~~
9 ~~dog in any such places, accommodations, or conveyances may not itself be held to constitute~~
10 ~~nor be is not by itself~~ evidence of contributory negligence.

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

13 **25-13-04. Penalty for interfering or denying use of facilities.** Any person ~~or the~~
14 ~~agent of any person~~ who denies or interferes with admittance to or enjoyment of the public
15 ~~places or facilities~~ enumerated in section 25-13-02 or otherwise interferes with the rights of a
16 ~~totally or partially an individual who is blind person or visually impaired, or with the rights of an~~
17 ~~individual, including a trainer, who is accompanied by an assistance dog,~~ is guilty of a class A
18 misdemeanor.

19 **SECTION 8. AMENDMENT.** Section 39-10-33.3 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-10-33.3. Blind pedestrian right of way.** The driver of a vehicle shall yield the right
22 of way to ~~any blind pedestrian~~ an individual who is blind or visually impaired and carrying a
23 clearly visible white cane or to an individual with a disability who is accompanied by a guide an
24 assistance dog.

25 **SECTION 9. AMENDMENT.** Subsection 22 of section 40-05-02 of the 1999
26 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

- 1 **SECTION 10. REPEAL.** Sections 25-13-01 and 25-13-05 of the North Dakota Century
- 2 Code are repealed.