

**FIRST ENGROSSMENT
with Conference Committee Amendments**

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:

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

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

22 **25-13-02. ~~Blind or handicapped person accompanied by guide or service~~**
23 **Individual with a disability - Assistance dog to be admitted to - Admission to public**
24 **places.** ~~Every totally or partially blind person has the right~~ An individual with a disability is

1 ~~entitled to be accompanied by a guide an assistance dog and every handicapped person has~~
2 ~~the right to be accompanied by a service dog, especially trained for those purposes,~~ in places
3 of public accommodations, common carriers, facilities of a health care provider, and all places
4 ~~in~~ to which the public is generally invited, without being required to pay an extra charge for the
5 ~~guide or service~~ assistance dog; provided, that ~~such persons are~~ the individual is liable for any
6 damage done to the premises or ~~facilities~~ facility by the ~~dogs~~ assistance dog.

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

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

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

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

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

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

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

12 **25-13-04. Penalty for interfering or denying use of facilities.** Any person ~~or the~~
13 ~~agent of any person~~ who denies or interferes with admittance to or enjoyment of the public
14 places or facilities enumerated in section 25-13-02 or otherwise interferes with the rights of a
15 ~~totally or partially an individual who is blind person or visually impaired, or with the rights of an~~
16 individual who is accompanied by an assistance dog, is guilty of a class A misdemeanor. This
17 section does not apply to a denial of admission under section 3 of this Act.

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

20 **39-10-33.3. Blind pedestrian right of way.** The driver of a vehicle shall yield the right
21 of way to ~~any blind pedestrian~~ an individual who is blind or visually impaired and carrying a
22 clearly visible white cane or to an individual with a disability who is accompanied by a guide an
23 assistance dog.

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

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