

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1395

Introduced by

Representative Gulleason

Senator Kelsh

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, 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
19 of public accommodations, common carriers, facilities of a health care provider, and all places
20 ~~in~~ 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 **Trainer and assistance dog - Admission to public places.** The trainer of an
2 assistance dog, with the assistance dog, may enter any place of public accommodation,
3 common carrier, facility of a health care provider, and any place to which the public is generally
4 invited, without being required to pay an extra charge for the assistance dog, if:

5 1. The trainer wears a photo identification card issued by assistance dogs
6 international indicating that the trainer is a member of assistance dogs
7 international; and

8 2. The trainer is liable for any damage done to the premises or facility by the
9 assistance dog.

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

12 **25-13-03. ~~Precautions of driver~~ Driver of motor vehicle when approaching blind**
13 **persons - Precaution - Individual with assistance dog.** ~~The~~ If the driver of a motor vehicle
14 ~~approaching a totally or partially~~ approaches an individual who is blind pedestrian or visually
15 impaired and who is carrying a cane predominately white or metallic in color, with or without a
16 red tip, or using a guide who is accompanied by an easily identified assistance dog, the driver
17 shall take all reasonable precautions to avoid injury to such blind pedestrian, and any the
18 individual and the assistance dog. Any driver who fails to take such reasonable precautions is
19 liable in damages to the individual for any injury caused such pedestrian; provided that a totally
20 ~~or partially.~~ An individual who is blind pedestrian or visually impaired and not carrying such a
21 cane or using a guide an individual with a disability who is not accompanied by an assistance
22 dog in any of the places, accommodations, or conveyances listed in section 25-13-02, shall
23 ~~have~~ has all of the rights and privileges conferred by law upon other ~~persons, and the~~
24 individuals. The failure of a totally or partially an individual who is blind pedestrian or visually
25 impaired to carry such a cane or use a guide the failure of an individual with a disability to be
26 accompanied by an assistance dog in any such places, accommodations, or conveyances may
27 ~~not itself be held to constitute nor be~~ is not by itself evidence of contributory negligence.

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

30 **25-13-04. ~~Penalty for interfering or denying use of facilities.~~** Any person ~~or the~~
31 ~~agent of any person~~ who denies or interferes with admittance to or enjoyment of the public

1 places or facilities enumerated in section 25-13-02 or otherwise interferes with the rights of a
2 ~~totally or partially~~ an individual who is blind person or visually impaired, or with the rights of an
3 individual who is accompanied by an assistance dog, is guilty of a class A misdemeanor.

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

6 **39-10-33.3. Blind pedestrian right of way.** The driver of a vehicle shall yield the right
7 of way to ~~any blind pedestrian~~ an individual who is blind or visually impaired and carrying a
8 clearly visible white cane or to an individual with a disability who is accompanied by a guide an
9 assistance dog.

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

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

16 **SECTION 8. REPEAL.** Sections 25-13-01 and 25-13-05 of the North Dakota Century
17 Code are repealed.