

House Bill 1187

By: Representatives Thomas of the 21st, Bonner of the 73rd, Mathiak of the 74th, and Hagan of the 156th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16, Chapter 4 of Title 30, and Chapter 6 of Title 40 of the Official Code of
2 Georgia Annotated, relating to crimes and offenses, rights of persons with disabilities, and
3 uniform rules of the road, respectively, so as to change references to assistance and guide
4 dogs to service dogs; to provide for definitions and conforming changes; to provide for a
5 criminal penalty for a person who causes death or physical harm to a service dog; to provide
6 for exceptions; to revise provisions relating to the use and training of service dogs; to provide
7 for a penalty for persons who misrepresent the need for a service dog; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
12 amended in Chapter 11, relating to offenses against public order and safety, by revising Code
13 Section 16-11-107.1, relating to harassment of assistance dog by humans or other dogs and
14 penalty, as follows:

15 "16-11-107.1.

16 (a) As used in this Code section, the term:

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17 (1) ~~'Assistance dog' means a dog that is or has been trained by a licensed or certified~~
18 ~~person, organization, or agency to perform physical tasks for a physically challenged~~
19 ~~person. Assistance dogs include guide or leader dogs that guide individuals who are~~
20 ~~legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to~~
21 ~~specific sounds; and service dogs for individuals with disabilities other than blindness or~~
22 ~~deafness, which are trained to perform a variety of physical tasks, including, but not~~
23 ~~limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or~~
24 ~~providing assistance in a medical crisis.~~

25 (2) 'Harass' means to engage in any conduct directed toward ~~an assistance~~ a service dog
26 that is ~~knowingly~~ likely to impede or interfere with the ~~assistance~~ service dog's
27 performance of its duties or that places the ~~blind, deaf, or physically limited~~ physically
28 or mentally impaired person being served or assisted by the service dog in danger of
29 injury.

30 (3)(2) 'Notice' means an oral or otherwise communicated warning proscribing the
31 behavior of another person and a request that the person stop the particular behavior.

32 (3) 'Service dog' shall have the same meaning as set forth in Code Section 30-4-1.

33 (b) Any person who ~~knowingly and intentionally~~ with criminal negligence harasses or
34 attempts to harass ~~an assistance~~ a service dog, ~~knowing~~ when he or she knows or should
35 know the dog to be ~~an assistance~~ a service dog, shall be guilty of a misdemeanor and, upon
36 conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine
37 not to exceed \$500.00, or both.

38 (c) Any person who has received notice that his or her behavior is interfering with the use
39 of ~~an assistance~~ a service dog ~~and~~ who continues to ~~knowingly and intentionally~~ harass ~~an~~
40 ~~assistance~~ the service dog, ~~knowing the dog to be an assistance dog,~~ shall be guilty of a
41 misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less
42 than 90 days or a fine not to exceed \$500.00, or both, provided that any person who is

43 convicted of a second or subsequent violation of this subsection shall be punished as for
 44 a misdemeanor of a high and aggravated nature.

45 (d) Any person who ~~knowingly and intentionally~~ with criminal negligence allows his or
 46 her dog to harass ~~an assistance a service dog,~~ knowing when he or she knows or should
 47 know the dog to be ~~an assistance a service dog,~~ shall be guilty of a misdemeanor and, upon
 48 conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine
 49 not to exceed \$500.00, or both, provided that any person who is convicted of a second or
 50 subsequent violation of this subsection shall be punished as for a misdemeanor of a high
 51 and aggravated nature.

52 (e) Any person who ~~knowingly and intentionally~~ with criminal negligence allows his or
 53 her dog to cause death or physical harm to ~~an assistance a service dog~~ by rendering a part
 54 of the ~~assistance service~~ service dog's body useless or by seriously disfiguring the ~~assistance~~
 55 service dog, knowing when he or she knows or should know the dog to be ~~an assistance a~~
 56 service dog, shall be punished as for a misdemeanor of a high and aggravated nature.

57 (f) Any person who causes death or physical harm to a service dog by rendering a part of
 58 the service dog's body useless or by seriously disfiguring the service dog, when he or she
 59 knows or should know the dog to be a service dog, shall be guilty of a felony and, upon
 60 conviction thereof, shall be punished by imprisonment for not less than one nor more than
 61 five years and by a fine of not more than \$10,000.00. This subsection shall not apply to
 62 the euthanasia of a service dog for humane purposes in a manner consistent with the
 63 provisions of Code Section 4-11-5.1."

64 **SECTION 2.**

65 Said title is further amended in Chapter 12, relating to offenses against public health and
 66 morals, by revising paragraph (6) of subsection (a) of Code Section 16-12-120, relating to
 67 certain acts in public transit buses, rapid rail cars, or stations and penalty, as follows:

68 "(6) Carries or possesses any explosives, acids, other dangerous articles, or live animals,
69 except for the following:

- 70 (A) A ~~guide dog or~~ service dog as described in Code Section 30-4-2, provided that
71 such ~~guide dog or~~ service dog is accompanied by a ~~physically disabled person, blind~~
72 ~~person, person with visual disabilities, deaf~~ physically or mentally impaired person; or
73 a person who is responsible for training a ~~guide dog or~~ service dog; and
74 (B) Small pets confined to rigid pet carriers with locks or latches;"

75 **SECTION 3.**

76 Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons
77 with disabilities, is amended by revising Code Section 30-4-1, relating to definitions, as
78 follows:

79 "30-4-1.

80 As used in this chapter, the term:

81 (1) 'Activities of daily living' means tasks that are essential, routine, and provide for an
82 individual's basic physical needs, including but not limited to eating, toileting, grooming,
83 dressings, shaving, walking, and transferring.

84 (2) 'Housing accommodations' means any real property or portion thereof which is used
85 or occupied, or intended, arranged, or designed to be used or occupied, as the home,
86 residence, or sleeping place of one or more human beings but shall not include any
87 single-family residence the occupants of which rent, lease, or furnish for compensation
88 not more than one room therein.

89 (2) ~~'Physically disabled person' means any person, regardless of age, who is subject to~~
90 ~~a physiological defect or deficiency regardless of its cause, nature, or extent that renders~~
91 ~~the person unable to move about without the aid of crutches, a wheelchair, or any other~~
92 ~~form of support, or that limits the person's functional ability to ambulate, climb, descend,~~
93 ~~sit, rise, or to perform any related function.~~

94 (3) 'Owner training' means training of a dog to become a service dog by an owner who
 95 is a physically or mentally impaired person by teaching the dog to perform the specific
 96 tasks that directly assist such owner and directly relate to such owner's specific disability.

97 (4) 'Physically or mentally impaired person' means any person, regardless of age, who,
 98 regardless of the cause, nature, or extent, is rendered substantially limited or unable to
 99 perform one or more activities of daily living as a result of developmental deficiencies,
 100 the aging process, learning disabilities, physical injury or disease, cognitive impairments,
 101 or psychological or social disabilities.

102 (5) 'Service dog' means any domestic canine that has been individually trained to do
 103 work or perform tasks that directly assist a physically or mentally impaired person and
 104 directly relate to such person's specific disability. Such term shall not include a dog that
 105 has not been trained to do a specific job or task or that solely provides comfort,
 106 companionship, or emotional support to a person, regardless of such person's disability
 107 status."

108 **SECTION 4.**

109 Said chapter is further amended by revising Code Section 30-4-2, relating to right to equal
 110 public accommodations and right to be accompanied by guide dog or service dog, as follows:

111 "30-4-2.

112 (a) Physically or mentally impaired ~~Blind persons, persons with visual disabilities, persons~~
 113 ~~with physical disabilities, and deaf~~ persons are entitled to full and equal accommodations,
 114 advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles,
 115 railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes
 116 of transportation and at hotels, lodging places, places of public accommodation,
 117 amusement, or resort, and other places to which the general public is invited, subject only
 118 to the conditions and limitations established by law and applicable alike to all persons.

119 (b)(1) Every ~~totally or partially blind person shall have the right to be accompanied by~~
120 ~~a guide dog, and every physically disabled person and every deaf~~ physically or mentally
121 impaired person shall have the right to be accompanied by a service dog, especially
122 trained for the purpose, in any of the places listed in subsection (a) of this Code section
123 without being required to pay an extra charge for the ~~guide or~~ service dog; provided,
124 however, that he or she shall be liable for any damage done to the premises or facilities
125 by such service dog. In addition, if such ~~totally or partially blind person, physically~~
126 ~~disabled person, or deaf~~ physically or mentally impaired person is a student at a private
127 or public school in this state, such person shall have the right to be accompanied by a
128 ~~guide dog or~~ service dog subject to liability for damage as provided in the preceding
129 sentence. ~~The guide dog or service dog must be identified as having been trained by a~~
130 ~~school for seeing eye, hearing, service, or guide dogs.~~

131 (2) Every person engaged in the training of a ~~guide dog or~~ service dog for the purpose
132 of accompanying a person as provided in paragraph (1) of this subsection shall have the
133 same right to be accompanied by such service dog being trained as the ~~totally or partially~~
134 ~~blind person, deaf person, or physically disabled~~ physically or mentally impaired person
135 has under paragraph (1) of this subsection, so long as such trainer is engaged in owner
136 training or is identified as an agent or employee of a school for ~~seeing eye, hearing,~~
137 ~~service, or guide~~ service dogs.

138 (3) Every person engaged in the raising of a dog for training as a ~~guide dog or~~ service
139 dog for the purpose of accompanying a person as provided in paragraph (1) of this
140 subsection and every physically or mentally impaired person who is engaged in owner
141 training of his or her dog as a service dog shall have the same right to be accompanied
142 by such dog being raised for training or in owner training as the ~~totally or partially blind~~
143 ~~person, deaf person, or physically disabled~~ physically or mentally impaired person has
144 under paragraph (1) of this subsection, so long as:

- 145 (A) Such dog is being held on a leash and is under the control of the person raising
 146 such dog ~~for an accredited school for seeing eye, hearing, service, or guide dogs; and~~
 147 (B) ~~Such person has on his or her person and available for inspection credentials from~~
 148 ~~the accredited school for which the dog is being raised; and~~
 149 (C) Such dog is wearing a collar, leash, or other appropriate apparel or device that
 150 identifies such dog ~~with the accredited school for which such dog is being raised as~~
 151 being trained as a service dog.
- 152 (c) Service dogs in training shall have the same rights and protections under the law as
 153 working service dogs.
- 154 (d) Every totally or partially blind person operating a vending stand shall have the right
 155 to be accompanied by a trained guide service dog on the entire premises of his or her
 156 vending operation."

157 **SECTION 5.**

158 Said chapter is further amended by revising Code Section 30-4-3, relating to right to housing
 159 accommodations, as follows:

160 "30-4-3.

- 161 (a) Physically or mentally impaired ~~Blind persons, visually disabled persons, physically~~
 162 ~~disabled persons, and deaf persons~~ shall be entitled to rent, lease, or purchase, as other
 163 members of the general public, all housing accommodations offered for rent, lease, or other
 164 compensation in this state, subject to the conditions and limitations established by law and
 165 applicable alike to all persons.
- 166 (b) Every ~~totally or partially blind person, every physically disabled person, and every deaf~~
 167 physically or mentally impaired person who has a ~~guide dog~~ or service dog or who obtains
 168 a ~~guide dog~~ or service dog and every person engaged in the training of a ~~guide dog~~ or
 169 service dog shall be entitled to full and equal access to all housing accommodations
 170 provided for in this Code section, and he or she shall not be required to pay extra

171 compensation for such ~~guide dog or service dog~~. However, he or she shall be liable for any
 172 damage done to the premises by such ~~guide dog or service dog~~.

173 (c) Nothing in this Code section shall require any person renting, leasing, or otherwise
 174 providing real property for compensation to modify his or her property in any way or
 175 provide a higher degree of care for a ~~blind, visually disabled, physically disabled, or deaf~~
 176 physically or mentally impaired person than for a person who is not ~~so disabled physically~~
 177 or mentally impaired."

178 **SECTION 6.**

179 Said chapter is further amended by revising Code Section 30-4-4, relating to denial of or
 180 interference with admittance to or enjoyment of facilities or exercise of rights, as follows:

181 "30-4-4.

182 (a) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who
 183 denies or interferes with admittance to or enjoyment of the facilities enumerated in this
 184 chapter or otherwise interferes with the rights of a ~~totally or partially blind person,~~
 185 ~~physically disabled person, or deaf~~ physically or mentally impaired person or person
 186 engaged in the training or raising of a ~~guide dog or service dog~~ as provided by this chapter
 187 shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction
 188 thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for not more
 189 than 30 days, or both.

190 (b) Any individual who deliberately misrepresents himself or herself as qualified to use
 191 a service dog or train or raise service dogs for the purpose of obtaining accommodations
 192 or securing rights under this chapter shall be guilty of a misdemeanor of a high and
 193 aggravated nature and, upon conviction thereof, shall be punished by a fine not to exceed
 194 \$2,000.00, imprisonment for not more than 30 days, or both."

195 **SECTION 7.**

196 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
197 of the road, is amended by revising Code Section 40-6-94, relating to right of way of blind
198 pedestrian, as follows:

199 "40-6-94.

200 The driver of every vehicle shall yield the right of way to any blind pedestrian who is
201 carrying a walking cane or stick white in color or white tipped with red or who is
202 accompanied by a ~~guide dog~~ service dog."

203 **SECTION 8.**

204 All laws and parts of laws in conflict with this Act are repealed.