

IN THE SENATE

SENATE BILL NO. 1075

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO INDIVIDUALS WITH DISABILITIES; AMENDING SECTION 18-5811, IDAHO  
2 CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
3 SECTION 18-5811A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION  
4 18-5812, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL COR-  
5 RECTIONS; AMENDING SECTION 18-5812A, IDAHO CODE, TO REVISE TERMINOLOGY  
6 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5812B, IDAHO  
7 CODE, TO REVISE PROVISIONS REGARDING SERVICE DOGS-IN-TRAINING; AMEND-  
8 ING SECTION 49-109, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION  
9 49-706, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING THE HEADING FOR  
10 CHAPTER 7, TITLE 56, IDAHO CODE; AMENDING SECTION 56-701, IDAHO CODE,  
11 TO REVISE TERMINOLOGY; AMENDING SECTION 56-701A, IDAHO CODE, TO REVISE  
12 DEFINITIONS; AMENDING SECTION 56-702, IDAHO CODE, TO REVISE PROVISIONS  
13 REGARDING FREE USE OF PLACES OF PUBLIC ACCOMMODATIONS BY INDIVIDUALS  
14 WITH DISABILITIES; AMENDING SECTION 56-703, IDAHO CODE, TO REVISE TER-  
15 MINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-704,  
16 IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION;  
17 AMENDING CHAPTER 7, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
18 TION 56-704A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING RIGHTS OF  
19 INDIVIDUALS WITH SERVICE DOGS; AMENDING SECTION 56-704A, IDAHO CODE,  
20 TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING RIGHTS  
21 OF INDIVIDUALS WITH DOGS-IN-TRAINING; AMENDING SECTION 56-705, IDAHO  
22 CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-706, IDAHO CODE, TO  
23 REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING  
24 SECTION 56-707, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNI-  
25 CAL CORRECTION.  
26

27 Be It Enacted by the Legislature of the State of Idaho:

28 SECTION 1. That Section 18-5811, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 18-5811. ACTION REQUIRED TO AVOID ACCIDENT OR INJURY TO ~~DISABLED~~  
31 ~~PERSON~~ INDIVIDUALS WITH DISABILITIES -- PROHIBITED INTENTIONAL ACTIONS --  
32 PENALTIES. (1) Any person, whether a pedestrian, operating a vehicle or  
33 otherwise, who approaches an individual appearing to be a ~~disabled person~~  
34 an individual with a disability or lawfully using an assistance device or  
35 assistance a service dog, and who:

36 (a) Intentionally fails to stop, change course, speak, or take such  
37 other action as is necessary to avoid any accident or injury to the  
38 ~~disabled person~~ individual with a disability, the assistance device,  
39 or the service dog, is guilty of a misdemeanor, punishable by impris-  
40 onment in the county jail not exceeding six (6) months, or by a fine of  
41 not less than fifty dollars (\$50.00) nor more than one thousand dollars  
42 (\$1,000), or by both.

1 (b) Intentionally startles or frightens such person's service dog, is  
 2 guilty of a misdemeanor, punishable by imprisonment in the county jail  
 3 not exceeding six (6) months, or by a fine of not less than fifty dollars  
 4 (\$50.00) nor more than one thousand dollars (\$1,000), or by both.

5 (2) Any person who, without justification, intentionally interferes  
 6 with the use of ~~an assistance~~ a service dog or an assistance device by ob-  
 7 structing, battering, or intimidating the user or the service dog, is guilty  
 8 of a misdemeanor punishable by imprisonment in the county jail not exceeding  
 9 six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more  
 10 than one thousand five hundred dollars (\$1,500), or by both.

11 SECTION 2. That Section 18-5811A, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 18-5811A. UNLAWFUL USE OF ASSISTANCE DEVICE, ASSISTANCE ANIMAL, OR  
 14 SERVICE DOG. Any person, not being ~~a disabled person~~ an individual with a  
 15 disability or being trained to assist ~~disabled persons~~ individuals with  
 16 disabilities, who uses an assistance device, an assistance animal, or  
 17 ~~assistance a service dog~~ in an attempt to gain treatment or benefits as a  
 18 ~~disabled person~~, an individual with a disability is guilty of a misdemeanor.

19 SECTION 3. That Section 18-5812, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21 18-5812. ~~BATTERY TO DISABLED PERSONS AND ASSISTANCE ANIMALS, SERVICE~~  
 22 ~~DOGS, AND DOGS-IN-TRAINING~~ -- PENALTIES. (1) Any person who:

23 (a) Permits any animal ~~which~~ that is owned, harbored, or controlled by  
 24 him to cause injury to or the death of any assistance animal, service  
 25 dog, or dog-in-training, is guilty of a misdemeanor.

26 (b) Intentionally causes injury to or the death of any assistance  
 27 animal, service dog, or dog-in-training is guilty of a misdemeanor pun-  
 28 ishable by imprisonment in the county jail not exceeding one (1) year,  
 29 or by a fine not exceeding five thousand dollars (\$5,000), or by both.

30 (2) In addition to any other criminal or civil penalties provided for  
 31 violation of this section, any person convicted under this section, regard-  
 32 less of the form of judgment, shall be ordered to make full restitution to  
 33 the owner or custodian of such dog for all veterinary bills, replacement, and  
 34 other costs resulting from the injury or death of the dog.

35 SECTION 4. That Section 18-5812A, Idaho Code, be, and the same is hereby  
 36 amended to read as follows:

37 18-5812A. ~~DISABLED PERSONS INDIVIDUALS WITH DISABILITIES MAY BE~~  
 38 ~~ACCOMPANIED BY ASSISTANCE SERVICE DOGS~~ -- PENALTY FOR INTENTIONAL VIOLA-  
 39 ~~TION~~. (1) ~~A disabled person~~ An individual with a disability shall not be  
 40 denied the use of any common carrier or public transportation facility or  
 41 admittance to any hotel, motel, cafe, elevator, housing for sale or rent, or  
 42 any other ~~public~~ public place of public accommodation within the state of Idaho by  
 43 reason of his being accompanied by ~~an assistance a service dog~~. ~~A disabled~~  
 44 ~~person~~ An individual with a disability shall be entitled to have ~~an assis-~~  
 45 ~~tance a service dog~~ with him in such places and while using such facilities

1 without being required to pay any additional charges for his ~~assistance~~  
 2 service dog, but shall be liable for any damage caused by his ~~assistance~~  
 3 service dog.

4 (2) Any person, firm, association, or corporation or agent of any per-  
 5 son, firm, association, or corporation intentionally violating the provi-  
 6 sions of this section shall be guilty of a misdemeanor.

7 SECTION 5. That Section 18-5812B, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9 18-5812B. PERSON MAY BE ACCOMPANIED BY ~~AN ASSISTANCE~~ A SERVICE DOG-IN-  
 10 TRAINING -- LIABILITY. (1) A person shall not be denied the use of any common  
 11 carrier or public transportation facility or admittance to any hotel, motel,  
 12 cafe, elevator, or any other ~~public place~~ of public accommodation within the  
 13 state of Idaho by reason of being accompanied by a dog-in-training. Such  
 14 dog-in-training shall be properly leashed so that the person may maintain  
 15 control of the dog.

16 (2) Access to public places for dogs-in-training may be temporarily de-  
 17 nied if the dog is poorly groomed so as to create a health hazard or the person  
 18 accompanying the dog cannot maintain control of the dog.

19 (3) ~~The person accompanying school or organization responsible for the~~  
 20 ~~dog-in-training shall be liable for any damages or injuries caused by the~~  
 21 ~~dog, and any third-party owner, lessor, or manager of the public property~~  
 22 ~~shall in no way suffer liability for damages or injuries caused by the dog-~~  
 23 ~~in-training. If the person accompanying a dog-in-training is a minor, the~~  
 24 ~~parents of the child shall be liable.~~

25 (4) The dog-in-training shall be visually identified as a dog-in-  
 26 training as provided in section 56-701A, Idaho Code.

27 SECTION 6. That Section 49-109, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 49-109. DEFINITIONS -- H. (1) "Habitual violator" means any person  
 30 who has a driving record ~~which~~ that shows a violation point count of eigh-  
 31 teen (18) or more points in any consecutive twenty-four (24) month period;  
 32 or twenty-four (24) or more points in any consecutive thirty-six (36) month  
 33 period.

34 (2) "Hazardous material" means any material that has been designated as  
 35 hazardous under 49 U.S.C. ~~section~~ 5103, and is required to be placarded under  
 36 subpart F of 49 CFR part 172, or any quantity of material listed as a select  
 37 agent or toxin under 42 CFR part 73.

38 (3) "Hazardous waste" means a material that is subject to the hazardous  
 39 waste manifest requirements of the EPA due to the type and quantity of the  
 40 material, or ~~which~~ that would be subject to these requirements absent an in-  
 41 terim authorization to the state under title 40, code of federal regulations  
 42 or ~~which~~ that includes in whole or in part polychlorinated biphenyls ~~which~~  
 43 are regulated by title 40, code of federal regulations, part 761.

44 (4) ~~"Hearing aid dog." (See "Hearing impaired person," section~~  
 45 ~~56-701A, Idaho Code)~~

46 (5) "Highway" means the entire width between the boundary lines of ev-  
 47 ery way publicly maintained when any part is open to the use of the public

1 for vehicular travel, with jurisdiction extending to the adjacent property  
 2 line, including sidewalks, shoulders, berms and rights-of-way not intended  
 3 for motorized traffic. The term "street" is interchangeable with highway.

4 (a) Arterial. Any highway designated by the local authority as part of  
 5 a major arterial system of highways within its jurisdiction.

6 (b) Controlled-access. Any highway or roadway in respect to which own-  
 7 ers or occupants of abutting lands and other persons have no legal right  
 8 of access to or from the highway except at such points only or in such  
 9 manner as may be determined by the public authority having jurisdiction  
 10 over the highway.

11 (c) Through. Any highway or portion of it on which vehicular traffic is  
 12 given preferential right-of-way, and at the entrances to which vehicu-  
 13 lar traffic from intersecting highways is required by law to yield the  
 14 right-of-way to vehicles on the through highway in obedience to a stop  
 15 sign, yield sign, or other traffic-control device.

16 SECTION 7. That Section 49-706, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18 49-706. ~~BLIND AND/OR HEARING IMPAIRED PEDESTRIAN WITH A DISABILITY~~  
 19 HAS RIGHT-OF-WAY. The driver of a vehicle shall yield the right-of-way to  
 20 any ~~blind pedestrian individual with a disability~~ carrying a clearly visible  
 21 white cane or accompanied by a ~~guide dog or a hearing impaired person accom-~~  
 22 ~~panied by a hearing aid service dog.~~

23 SECTION 8. That the Heading for Chapter 7, Title 56, Idaho Code, be, and  
 24 the same is hereby amended to read as follows:

25 CHAPTER 7

26 RIGHTS OF ~~THE BLIND AND PERSONS~~ INDIVIDUALS WITH DISABILITIES

27 SECTION 9. That Section 56-701, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 56-701. POLICY OF STATE. It is the policy of this state to encourage  
 30 and enable ~~the blind, the visually impaired, the hearing impaired, and the~~  
 31 ~~otherwise physically disabled individuals with disabilities~~ to participate  
 32 fully in the social and economic life of the state and to engage in remunera-  
 33 tive employment.

34 SECTION 10. That Section 56-701A, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 56-701A. DEFINITIONS. As used in this chapter and chapter 58, title  
 37 18, Idaho Code:

38 (1) "Assistance device" means a cane or walking stick, predominantly  
 39 white or metallic in color, with or without red tip, or a manual or motor-  
 40 ized wheelchair or similar scooter, or other similar devices that enhance  
 41 the safety or mobility of a disabled person.

1           (2) ~~"Assistance dog" means a dog that has been trained as a guide dog~~  
2 ~~for a blind or visually impaired person, a hearing dog for a hearing-impaired~~  
3 ~~person, or a service dog for a disabled person.~~

4           ~~(3) "Disabled person" means a hearing, visually, mentally or physi-~~  
5 ~~cally impaired person.~~

6           ~~(4) "Dog-in-training" means a dog being specifically trained to de-~~  
7 ~~velop social, environmental, and other skills needed for admission to a~~  
8 ~~training school or other program for assistance dogs work with or to per-~~  
9 ~~form tasks for an individual with a disability. Dogs-in-training shall~~  
10 ~~wear a jacket, collar, scarf, or other similar article identifying it as a~~  
11 ~~dog-in-training.~~

12           ~~(5) "Guide dog" means a dog that has been specially trained to aid a par-~~  
13 ~~ticular blind or visually impaired person.~~

14           ~~(6) "Hearing dog" means a dog that has been specially trained to aid a~~  
15 ~~particular hearing-impaired person.~~

16           ~~(7) "Hearing-impaired person" means a person who has a hearing impair-~~  
17 ~~ment manifested by a speech discrimination score of forty percent (40%) or~~  
18 ~~more in the better ear with appropriate correction as certified by a licensed~~  
19 ~~otologist, licensed audiologist, or the Idaho division of vocational reha-~~  
20 ~~ilitation.~~

21           ~~(8) "Physically impaired person" means any person with any substantial~~  
22 ~~physical disability that prevents normal participation in community or life~~  
23 ~~activities as are available and participated in by persons with no such af-~~  
24 ~~flictions or conditions of the same age and sex.~~

25           (3) "Individual with a disability" means an individual who has a dis-  
26 ability as defined by the federal Americans with disabilities act, 42 U.S.C.  
27 12101 et seq., and its implementing regulations.

28           (4) "Place of public accommodation" shall have the same meaning as  
29 provided in the federal Americans with disabilities act, 42 U.S.C. 12101 et  
30 seq., and its implementing regulations.

31           (95) "Service dog" means a dog that has been specially trained to aid  
32 a particular physically or mentally disabled person with a disability other  
33 than sight or hearing impairment is individually trained to do work or per-  
34 form tasks for the benefit of an individual with a disability, including a  
35 physical, sensory, psychiatric, intellectual, or other mental disability.  
36 Other species of animals, whether wild or domestic, trained or untrained,  
37 are not service animals for purposes of this chapter. The work or tasks per-  
38 formed by the service dog must be directly related to the individual's dis-  
39 ability. Examples of work or tasks include, but are not limited to, assist-  
40 ing individuals who are blind or have low vision with navigation and other  
41 tasks, alerting individuals who are deaf or hard of hearing to the presence  
42 of people or sounds, providing nonviolent protection or rescue work, pulling  
43 a wheelchair, assisting an individual during a seizure, alerting individu-  
44 als to the presence of allergens, retrieving items such as medicine or the  
45 telephone, providing physical support and assistance with balance and sta-  
46 bility to individuals with mobility disabilities, and helping persons with  
47 psychiatric and neurological disabilities by preventing or interrupting im-  
48 pulsive or destructive behaviors. The crime deterrent effects of an ani-  
49 mal's presence and the provision of emotional support, well-being, comfort,

1 or companionship do not constitute work or tasks for the purposes of this  
2 chapter.

3 ~~(10) "Visually impaired person" means any person who is blind, totally~~  
4 ~~blind, partially blind or otherwise visually impaired, meaning such person~~  
5 ~~has central visual acuity not exceeding 20/200 in the better eye, with cor-~~  
6 ~~rected lenses, as measured by the Snellen test, or visual acuity greater than~~  
7 ~~20/200, but with a limitation in the field of vision such that the widest di-~~  
8 ~~ameter of the visual field subtends an angle not greater than twenty (20) de-~~  
9 ~~grees.~~

10 SECTION 11. That Section 56-702, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 56-702. RIGHT TO FULL AND FREE USE OF STREETS, HIGHWAYS, PUBLIC BUILD-  
13 INGS AND PUBLIC FACILITIES. ~~The blind, the visually impaired, the hearing~~  
14 ~~impaired, and the otherwise physically disabled~~ Individuals with disabili-  
15 ties have the same rights and privileges as the ~~able-bodied~~ general public to  
16 the full and free use of the streets, highways, sidewalks, walkways, public  
17 buildings, public facilities, and other ~~public~~ places of public accommoda-  
18 tions.

19 SECTION 12. That Section 56-703, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 56-703. RIGHT TO FULL AND EQUAL ACCOMMODATIONS IN ALL COMMON CARRI-  
22 ERS, HOTELS, LODGING HOUSES, PLACES OF PUBLIC ACCOMMODATIONS OR OTHER PUB-  
23 LIC PLACES. ~~The blind, the visually impaired, the hearing impaired, and the~~  
24 ~~otherwise physically disabled~~ Individuals with disabilities are entitled to  
25 full and equal accommodations, advantages, facilities, and privileges of  
26 all common carriers, airplanes, motor vehicles, and railroad trains, motor  
27 buses, streetcars, boats, or any other public conveyances or modes of trans-  
28 portation, hotels, lodging places, places of public accommodations, amuse-  
29 ment, or resort, and other places to which the general public is invited,  
30 subject only to the conditions and limitations established by law and appli-  
31 cable alike to all persons.

32 SECTION 13. That Section 56-704, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 56-704. RIGHT TO USE OF ASSISTANCE SERVICE DOG -- LIABILITY. ~~Every~~  
35 ~~disabled person~~ An individual with a disability shall have the right to  
36 be accompanied by an ~~assistance~~ a service dog, in any of the places ~~listed~~  
37 described in section 56-703, Idaho Code, without being required to pay an  
38 extra charge for the ~~assistance~~ service dog; provided that ~~he~~ the individual  
39 shall be liable for any damage done to the premises or facilities by ~~his~~ the  
40 service dog.

41 SECTION 14. That Chapter 7, Title 56, Idaho Code, be, and the same is  
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
43 ignated as Section 56-704A, Idaho Code, and to read as follows:

1           56-704A. RIGHTS OF INDIVIDUALS WITH SERVICE DOGS. (1) General. A  
2 place of public accommodation shall modify its policies, practices, or pro-  
3 cedures to permit the use of a service dog by an individual with a disability  
4 or an authorized handler.

5           (2) Exceptions. A place of public accommodation may ask an individual  
6 with a disability to remove a service dog from the premises if:

7           (a) The service dog is out of control and the service dog's handler does  
8 not take effective action to control it; or

9           (b) The service dog is not housebroken.

10          (3) If a service dog is excluded from a place of public accommodation  
11 pursuant to subsection (2) of this section, then the place of public accom-  
12 modation shall give the individual with a disability the opportunity to par-  
13 ticipate in the service, program, or activity being offered without having  
14 the service dog on the premises.

15          (4) A service dog shall be under the control of its handler. A service  
16 dog shall have a harness, leash, or other tether, unless the handler is un-  
17 able because of a disability to use a harness, leash, or other tether, or the  
18 use of a harness, leash, or other tether would interfere with the service  
19 dog's safe, effective performance of work or a task, in which case the ser-  
20 vice dog must otherwise be under the handler's control through voice control  
21 or other effective means.

22          (5) Inquiries. A place of public accommodation shall not ask about the  
23 nature or extent of a person's disability but may make two (2) inquiries to  
24 determine whether an animal qualifies as a service dog. A place of public ac-  
25 commodation may ask: if the service dog is required because of a disability;  
26 and what work or task the service dog has been trained to perform. A place  
27 of public accommodation shall not require documentation, such as proof that  
28 the service dog has been certified, trained, or licensed as a service dog.  
29 A place of public accommodation may not make inquiries about a service dog  
30 when it is readily apparent that the service dog is trained to do work or per-  
31 form tasks for an individual with a disability, such as: the dog is observed  
32 guiding an individual who is blind or has low vision, pulling an individual's  
33 wheelchair, or providing assistance with stability or balance to an individ-  
34 ual with an observable mobility disability.

35          (6) Access. Individuals with disabilities shall be permitted to be ac-  
36 companied by their service dog in all areas of a place of public accommoda-  
37 tion including, but not limited to, a common carrier, hotel, lodging house,  
38 or place where members of the public, participants in services, programs or  
39 activities, or invitees, as relevant, are allowed to go.

40          (7) Surcharges. A place of public accommodation, including, but not  
41 limited to, a common carrier, hotel, lodging house, or other public place,  
42 shall not ask or require an individual with a disability to pay a surcharge,  
43 even if people accompanied by pets are required to pay fees or to comply with  
44 other requirements generally not applicable to people without pets. If a  
45 place of public accommodation normally charges individuals for the damage  
46 they cause, an individual with a disability may be charged for damage caused  
47 by the individual's service dog.

48           SECTION 15. That Section 56-704A, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1           56-704AB. RIGHTS OF ~~PERSONS~~ INDIVIDUALS WITH DOGS-IN-TRAINING --  
 2 LIABILITY. (1) Every ~~person~~ individual with a disability who is ~~speciall~~  
 3 specifically training or socializing a dog for the purpose of being an ~~assis-~~  
 4 tance a service dog shall have the right to be accompanied by the dog in any  
 5 of the ~~places listed~~ described in section 56-703, Idaho Code, without being  
 6 required to pay an extra charge for the dog if the accompaniment is part of  
 7 the dog's training or socialization to become an ~~assistance~~ a service dog.

8           (2) Every individual who is not an individual with a disability but  
 9 who is specifically training or socializing a dog for the purpose of being a  
 10 service dog shall have the privilege to be accompanied by the dog in any of  
 11 the places described in section 56-703, Idaho Code, without being required  
 12 to pay an extra charge for the dog if the accompaniment is part of the dog's  
 13 training or socialization to become a service dog. The ~~person~~ individual  
 14 accompanying the dog-in-training shall carry and upon request display an  
 15 identification card issued by a recognized school for ~~assistance~~ service  
 16 dogs or training dogs or an organization which that serves disabled per-  
 17 sons individuals with disabilities. The dog-in-training shall be visually  
 18 identified as a dog-in-training as provided in section 56-701A, Idaho Code.  
 19 The ~~person~~ school or organization as identified on the identification card  
 20 shall be fully liable for any damages done to the premises or facilities by  
 21 the dog, and no liability to other persons shall be attached to the owner,  
 22 lessor, or manager of the property, arising out of activities permitted by  
 23 this chapter.

24           SECTION 16. That Section 56-705, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26           56-705. CIVIL LIABILITY FOR INTENTIONAL VIOLATION OF STATUTES PRO-  
 27 TECTING DISABLED PERSONS. Civil action may be brought against any person in-  
 28 tentiously violating the provisions of section 18-5811, 18-5811A, 18-5812  
 29 or 18-5812A, Idaho Code, with judgment awarded upon proof of the elements  
 30 to a preponderance of the evidence. As a part of any such civil judgment, a  
 31 successful plaintiff shall be awarded punitive damages in an amount equal to  
 32 all other damages suffered by the plaintiff, but in no event less than five  
 33 hundred dollars (\$500). The failure of a disabled person to use an assis-  
 34 tance device or ~~assistance~~ a service dog shall not be held to constitute nor  
 35 be evidence of contributory negligence in any civil action.

36           SECTION 17. That Section 56-706, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38           56-706. INTERFERENCE WITH RIGHTS OR ACTIVITIES -- PENALTY. Any per-  
 39 son or persons, firm or corporation, or the agent of any person or persons,  
 40 firm or corporation, who denies or interferes with admittance to or enjoy-  
 41 ment of the public facilities enumerated in this chapter or otherwise inter-  
 42 feres with the rights of a ~~totally or partially blind, hearing impaired, or~~  
 43 ~~otherwise disabled person~~ an individual with a disability under this chapter  
 44 shall be guilty of a misdemeanor.

45           SECTION 18. That Section 56-707, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:



1           56-707. RIGHT TO BE EMPLOYED IN EMPLOYMENT SUPPORTED IN WHOLE OR IN  
2 PART BY PUBLIC FUNDS -- RESTRICTION -- USE OF SICK LEAVE. (1) ~~The blind,~~  
3 ~~the visually impaired, the hearing impaired, and the otherwise disabled~~  
4 Individuals with disabilities shall be employed in the state service, the  
5 service of the political subdivisions of the state, in the public schools,  
6 and in all other employment supported in whole or in part by public funds on  
7 the same terms and conditions as ~~the able-bodied~~ individuals without dis-  
8 abilities, unless it is shown that the particular disability prevents the  
9 performance of the work involved.

10           (2) Persons employed as provided in subsection (1) of this section, may  
11 use accrued sick leave for the purpose of obtaining ~~guide~~ service dogs and  
12 necessary training.