

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

828Z0626

SENATE BILL NO. 119

Introduced by: Senators Solano, Cronin, Ewing, Haverly, Jensen (Phil), Langer, Maher, Monroe, Partridge, Peters, Soholt, Stalzer, and Tidemann and Representatives Chase, Bartling, Carson, DiSanto, Goodwin, Heinemann, McCleerey, McPherson, Mickelson, Mills, Peterson (Kent), Reed, Rounds, Smith, Tulson, Wiese, Wismer, and York

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the furnishing of
2 fraudulent disability documentation when renting accommodations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 43-32 be amended by adding a NEW SECTION to read:

5 For the purposes of this Act, the term, service animal, refers to any animal that serves a role
6 for an individual with a disability as an emotional support animal, any therapy animal, or any
7 assistance animal, and the term, disability, is a physical or mental impairment that substantially
8 limits one or major life activities of a person.

9 Section 2. That chapter 43-32 be amended by adding a NEW SECTION to read:

10 A landlord may require reliable supporting documentation be provided by a tenant of a rental
11 dwelling unit, if the tenant asserts a disability requiring under any provision of law that a service
12 animal or assistance animal be allowed as an accommodation on the rented premises. A landlord
13 may not require supporting documentation from a tenant if the tenant's disability or



1 disability-related need for a service animal or assistance animal is readily apparent or already
2 known to the landlord.

3 Section 3. That chapter 43-32 be amended by adding a NEW SECTION to read:

4 The supporting documentation shall confirm the tenant's disability and the relationship
5 between the tenant's disability and the need for the requested accommodation. The
6 documentation shall originate from a licensed health care provider who does not operate in this
7 state solely to provide certification for service or assistance animals.

8 Section 4. That chapter 43-32 be amended by adding a NEW SECTION to read:

9 If a person is found to have knowingly made a false claim of having a disability that requires
10 the use of a service animal or assistance animal or of knowingly providing fraudulent supporting
11 documentation in connection with such a claim, a lessor may evict a lessee and the lessor is
12 entitled to a damage fee, not to exceed one thousand dollars, from a lessee if the lessee provides
13 fraudulent disability documentation indicating a disability requiring the use of a service animal
14 or assistance animal.