

2018 -- H 7612 SUBSTITUTE A

LC004381/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS
TO PUBLIC FACILITIES

Introduced By: Representatives Winfield, Lima, O'Brien, Ucci, and Williams

Date Introduced: February 14, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-9.1-1.1, 40-9.1-2 and 40-9.1-3 of the General Laws in Chapter
2 40-9.1 entitled "Equal Rights of Blind and Deaf Persons to Public Facilities" are hereby amended
3 to read as follows:

4 **40-9.1-1.1. Definitions.**

5 ~~(a) "Guide dog" means a dog that has been or is being specially trained to aid a particular~~
6 ~~blind or visually impaired person.~~

7 ~~(b) "Hearing dog" means a dog that has been or is being specially trained to aid a~~
8 ~~particular deaf or hard of hearing person.~~

9 ~~(c) "Housing accommodations" means any real property or portion thereof that is used or~~
10 ~~occupied, or intended, arranged or designed to be used or occupied, as the home, residence or~~
11 ~~sleeping place of one or more human beings, but does not include any single family residence the~~
12 ~~occupants of which rent, lease or furnish for compensation to more than one room therein.~~

13 ~~(d) "Personal assistance animal" means a dog that has been or is being trained as a guide~~
14 ~~dog, hearing dog or service dog.~~

15 ~~(e) "Service dog" means a dog that has been or is being specially trained to aid a~~
16 ~~particular disabled person with a disability other than sight or hearing.~~

17 ~~(f) "Disabled" means a disability as defined in § 42-87-1.~~

18 ~~(g) "Closed captioning" means a transcript or dialog of the audio portion of a television~~

1 ~~program that is displayed on a television receiver screen when the user activates the feature.~~

2 (h) ~~"Public area" means a part of a place of public accommodation that is open to the~~
3 ~~general public.~~

4 (i) ~~"Regular hours" means the hours of any day in which a place of public~~
5 ~~accommodation is open to members of the general public.~~

6 (a) "Closed-captioning" means a transcript or dialog of the audio portion of a television
7 program that is displayed on a television receiver screen when the user activates the feature.

8 (b) "Disabled" means a disability as defined in § 42-87-1.

9 (c) "Housing accommodations" means any real property or portion thereof that is used or
10 occupied, or intended, arranged or designed to be used or occupied, as the home, residence or
11 sleeping place of one or more human beings, but does not include any single-family residence the
12 occupants of which rent, lease or furnish for compensation more than one room therein.

13 (d) "Public area" means a part of a place of public accommodation that is open to the
14 general public.

15 (e) "Regular hours" means the hours of any day in which a place of public
16 accommodation is open to members of the general public.

17 (f) "Service animal" shall have the same meaning as set forth under Titles II and III of the
18 federal "Americans with Disabilities Act of 1990," 42 U.S.C. § 12101 et seq., as amended, and all
19 implementing regulations.

20 (g) "Service-animal-in-training" means an animal that has been selected for service
21 animal work and is being handled by a service animal trainer.

22 (h) "Service animal trainer" means a competent animal trainer who is providing
23 individual training of an animal with the intention of having the animal become a working service
24 animal that will perform tasks for a disabled person.

25 ~~**40-9.1-2. Personal assistance animals in public places.**~~ **Service animals in public**
26 **places.**

27 Every disabled person has the right to be accompanied by a ~~personal assistance~~ service
28 animal, specially trained for that person in any housing accommodation or in any places listed in
29 ~~§ 40-9.1-1(b) and (e)~~ § 40-9.1-1(c) and (d) without being required to pay an extra charge for the
30 ~~personal assistance~~ service animal. Each disabled person using a personal assistance animal is
31 solely liable for any damage done to persons, premises or facilities by the ~~personal assistance~~
32 service animal.

33 ~~**40-9.1-3. Penalty for injuring or interfering with a personal assistance animal --**~~
34 ~~**Civil actions -- Damages -- Cost and attorney's fees.**~~ **Penalty for injuring or interfering with**

1 **a service animal -- Civil actions -- Damages -- Cost and attorney's fees.**

2 (a) It is unlawful for any person, corporation or the agent of any corporation to:

3 (1) Withhold, deny, deprive or attempt to withhold, deny or deprive any other person of
4 any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

5 (2) Intimidate, threaten, coerce, or attempt to threaten, intimidate or coerce any other
6 person to interfere with any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

7 (3) Punish or attempt to punish any person for exercising or attempting to exercise any
8 right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

9 (b) It is unlawful for any person to injure a ~~personal-assistance~~ service animal and shall
10 be liable for the injuries to the ~~assistance~~ service animal and if necessary the replacement and
11 compensation for the loss of the ~~personal-assistance~~ service animal.

12 (c) It is unlawful for the owner of ~~a dog~~ an animal to allow ~~that dog~~ their animal to injure
13 a ~~personal-assistance~~ service animal because the owner failed to control or leash ~~the dog~~ their
14 animal. The owner shall also be liable for the injuries to the ~~personal-assistance dog~~ service
15 animal and if necessary the replacement and compensation for the loss of the ~~personal-assistance~~
16 service animal.

17 (d) Any person who violates subsection (a)(1) is guilty of a misdemeanor. Any person
18 who purposely or negligently violates subsection (a)(2) or (a)(3) is guilty of a misdemeanor.
19 Violations shall be punished by imprisonment ~~in the county jail~~ for not more than six (6) months
20 or by a fine of not less than one hundred dollars (\$100), or by both fine and imprisonment. Any
21 person or corporation who violates subsections (a), (b), or (c) is also liable to the person whose
22 rights under §§ 40-9.1-2 and 40-9.1-2.1 were violated for actual damages for any economic loss
23 and/or punitive damages, to be recovered by a civil action in a court in and for the county in
24 which the infringement of civil rights occurred or in which the defendant lives.

25 (e) In an action brought under this section, the court shall award costs and reasonable
26 attorney's fees to the prevailing party.

27 SECTION 2. Chapter 40-9.1 of the General Laws entitled "Equal Rights of Blind and
28 Deaf Persons to Public Facilities" is hereby amended by adding thereto the following section:

29 **40-9.1-3.1. Fraudulent claim of service animal.**

30 (a) It is an intentional misrepresentation and a violation of law for an individual to take an
31 animal into a public accommodation where pets are not permitted, and state or imply that the
32 animal is a service animal entitled to be present, if the animal is not a service-animal-in-training,
33 or actually performing the duties of a service animal.

34 (b) The Rhode Island commission for human rights shall prepare and make available to

1 businesses upon request:

2 (1) A decal suitable for posting in a front window or door, stating that service animals are
3 welcome and that misrepresentation of a service animal is a violation of Rhode Island law; and

4 (2) A brochure detailing permissible questions a business owner may ask in order to
5 determine whether an animal is a service animal, proper answers to those questions, and
6 guidelines defining unacceptable behavior.

7 (c) It shall be a violation for any individual to misrepresent a pet or any other animal as a
8 service animal. A violation of this section occurs when:

9 (1) An individual expressly or impliedly represents that an animal in their possession is a
10 service animal or a service-animal-in-training for the purpose of obtaining any rights or privileges
11 afforded to disabled persons accompanied by service animals, but unavailable to people and their
12 pets or other animals; and

13 (2) Said individual knew or should have known that the animal in question did not meet
14 the definition of a service-animal or service-animal-in-training.

15 (d) Any police or animal control officer may investigate and enforce this section by
16 making inquiry of the individual accompanied by the service animal in question and issuing a
17 citation. Refusal by the individual to answer the permissible questions shall create a presumption
18 that the animal is not a service animal and the officer may issue the citation and require the
19 individual to remove the animal from the place of public accommodation.

20 (e) A person who fails to comply with the provisions of this section shall be held in
21 violation, punishable by thirty (30) hours of community service for an organization that serves
22 individuals with disabilities, or for another entity or organization at the discretion of the court, to
23 be completed in not more than six (6) months, or to pay a fine of not more than five hundred
24 dollars (\$500), or both.

25 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS
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1 This act would prohibit misrepresentation of the status of an animal as a service animal in
2 order to acquire any right or privilege afforded disabled persons. The Rhode Island commission
3 for human rights would be required to provide decals for posting by businesses, notifying the
4 public of this law and would require the commission to provide informational pamphlets to
5 businesses, upon request, providing permissible questions to determine the status of an animal.
6 This act would also provide for civil penalty of up to five hundred dollars (\$500) and thirty (30)
7 hours of community service for a violation.

8 This act would take effect upon passage.

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