

ORIGINAL HOUSE
BILL NO. HB0114

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to service and assistance animals; creating an offense for the misrepresentation of a service or assistance animal; prohibiting the killing or injuring of a service or assistance animal; specifying penalties; conforming provisions to federal law provisions on service and assistance animals; making conforming amendments; providing exemptions from liability as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-13-201(a)(ii), (b) and by creating new subsections (c) and (d), 35-13-203, 35-13-205(a) by creating new paragraphs (iv) through (viii) and 35-13-206(a), (b)(intro) and (ii) are amended to read:

35-13-201. Generally; service and assistance animals.

(a) Any blind, visually impaired, deaf, hearing impaired person or other person with a disability, subject to the conditions and limitations established by law and applicable alike to all persons:

(ii) Shall be afforded full and equal accommodations, advantages, facilities and privileges of ~~all hotels, motels, lodging places, restaurants, public elevators, places~~ any place of public accommodation ~~amusement or resort~~ and any other place to which the general public is invited; and

(b) Any blind, visually impaired, deaf, hearing impaired person or other person with a disability may be accompanied by a service ~~dog~~ animal in any ~~of the places listed in subsection (a) of this section without paying an extra charge for the service dog,~~ facility of a public

ORIGINAL HOUSE
BILL NO. HB0114

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

entity in accordance with 28 C.F.R. 35.136 and any place of public accommodation in accordance with 28 C.F.R. 36.302(c).

(c) A person shall not be discriminated against in the leasing or rental of residential property because the person has ~~a service dog and is an assistance animal, which shall be permitted in leased or rented residential property in accordance with the federal Fair Housing Act.~~ The person shall be liable for any damage done by his assistance animal to the premises or facilities ~~by the dog of the leased or rented residential property.~~

(d) A public accommodation, or any agent or employee thereof, that permits a service animal or an animal believed in good faith to be a service animal in its place of public accommodation is not liable for any damage or injury caused by the animal.

35-13-203. Interfering with rights; misrepresentation of a service or assistance animal; penalties.

(a) Any person denying or interfering with admittance to or enjoyment of ~~the public facilities enumerated any place or facility referenced~~ in W.S. ~~35-13-201~~ 35-13-201(a) through (c) or otherwise interfering with the rights of the blind, partially blind, deaf, hearing impaired person or other person with a disability is guilty of a misdemeanor and may be fined not more than seven hundred fifty dollars (\$750.00).

(b) Any person who knowingly and intentionally misrepresents that an animal is a service animal or an assistance animal for the purpose of obtaining any of the rights or privileges set forth in this article is guilty of

ORIGINAL HOUSE
BILL NO. HB0114

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

a misdemeanor and may be fined not more than seven hundred fifty dollars (\$750.00).

35-13-205. Definitions.

(a) As used in this article:

(iv) "Assistance animal" means an animal that works, provides assistance or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability;

(v) "Place of public accommodation" means as defined in 28 C.F.R. 36.104;

(vi) "Public accommodation" means as defined in 28 C.F.R. 36.104;

(vii) "Public entity" means as defined in 28 C.F.R. 35.104;

(viii) "Service animal" means as defined in 28 C.F.R. 35.104 and 28 C.F.R. 36.104 and includes service miniature horses pursuant to 28 C.F.R. 35.136 and 28 C.F.R. 36.302(c).

35-13-206. Injuring or killing a service or assistance animal prohibited; penalties.

(a) Any person who knowingly, willfully and without lawful cause or justification inflicts, or permits or directs any animal under his control or ownership to inflict, serious bodily harm, permanent disability or death upon any service ~~dog as defined in W.S. 35-13-205(a)(i)~~

ORIGINAL HOUSE
BILL NO. HB0114

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

animal or assistance animal is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(b) A court shall order a defendant convicted of an offense under subsection (a) of this section to make restitution to the owner of the service ~~dog~~ animal or assistance animal for:

(ii) The cost of replacing the service ~~dog~~ animal or assistance animal or retraining an injured service ~~dog~~ by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide special equipment for or special training to an animal to help a person with a disability animal or assistance animal; and

Section 2. W.S. 35-13-205(a)(i) is repealed.

ORIGINAL HOUSE
BILL NO. HB0114

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

Section 3. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk