

SENATE BILL NO. 432

BY SENATORS BUFFINGTON, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, CLAITOR, CORTEZ, CROWE, DORSEY-COLOMB, ERDEY, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, PETERSON, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES ADAMS, ANDERS, ARMES, ARNOLD, BADON, BARROW, BROADWATER, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CHANEY, COX, DANAHAY, DOVE, EDWARDS, FANNIN, FRANKLIN, GEYMANN, GISCLAIR, GUILLORY, GUINN, HARRIS, HARRISON, HAVARD, HILL, HOFFMANN, HOWARD, HUNTER, IVEY, KATRINA JACKSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LEGER, MACK, MILLER, MONTOUCET, JAY MORRIS, NORTON, POPE, PYLANT, REYNOLDS, RICHARD, RITCHIE, SIMON, SMITH, ST. GERMAIN, STOKES, TALBOT, THIBAUT, THOMPSON, WHITNEY, PATRICK WILLIAMS AND WILLMOTT

1 AN ACT

2 To amend and reenact Chapter 23 of Title 46 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 46:1951 through 1959, relative to service dogs for persons with
4 disabilities; to provide for definitions; to provide relative to the full and equal use of
5 public and commercial facilities by persons with disabilities and their service dogs;
6 to provide relative to full and equal use of housing accommodations by persons with
7 disabilities and their service dogs; to provide relative to service dog trainers and their
8 rights and liabilities; to provide relative to penalties for the injury or interference
9 with a service dog; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 23 of Title 46 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 46:1951 through 1959, is hereby amended and reenacted to read as
13 follows:

14 CHAPTER 23. ~~LOUISIANA WHITE CANE LAW~~ **RIGHTS OF**
15 **PERSONS WITH DISABILITIES**

16 §1951. Statement of policy

17 **A.** It is the policy of this state to encourage and enable a ~~physically disabled~~
18 person **with a disability** to participate fully in the social and economic life of the

1 state, to achieve maximum personal independence, to otherwise fully enjoy and
 2 use all public facilities available in the state, and to engage in remunerative
 3 employment.

4 **B. No person with a disability may be denied admittance to any public**
 5 **facility because of the person's disability. No person with a disability shall be**
 6 **denied the use of a white cane, service dog, wheelchair, crutches, or other device**
 7 **of assistance.**

8 **C.** In addition, it is the policy of this state that a ~~physically disabled~~ person
 9 **with a disability** shall be employed by the state, political subdivisions of the state,
 10 public schools, and all other employment supported in whole or in part by public
 11 funds on the same terms and conditions as an able-bodied person, unless it is shown
 12 that the particular disability prevents the performance of the work involved.

13 §1952. Definitions

14 As used in this Chapter,

15 (1) "~~Assistance~~ **Service** dog" means a dog who has been trained or is being
 16 trained to aid a particular ~~physically disabled person~~ **to do work or perform a task**
 17 **for a person with a disability. "Service dog" refers to a dog trained as any of the**
 18 **following:**

19 **(a) A hearing dog.**

20 **(b) A guide dog.**

21 **(c) A seizure alert dog.**

22 **(d) A mobility dog.**

23 **(e) An autism service dog.**

24 **(f) A dog providing assistance during a medical crisis.**

25 **(g) A service dog providing assistance to persons, including veterans with**
 26 **traumatic brain injury or post traumatic stress disorder.**

27 (2) "Housing accommodations" means any ~~real~~ **immovable** property, or
 28 portion thereof, which is used or occupied or is intended, arranged, or designed to
 29 be used or occupied as the home, residence, or sleeping place of one or more human
 30 beings, but shall not include any single family residence the occupants of which rent,

1 lease, or furnish for compensation not more than one room therein.

2 (3) "~~Physically disabled person~~ **Person with a disability**" means a person
 3 who is ~~blind, visually handicapped, deaf, hearing impaired, or otherwise physically~~
 4 ~~disabled~~ **who has a physical or mental impairment that substantially limits one**
 5 **or more of such person's major life activities and who has a record of such**
 6 **impairment or who is regarded as having such an impairment, including**
 7 **military veterans with traumatic brain injury or post traumatic stress disorder.**

8 §1953. Use of public facilities; equal accommodations; ~~assistance~~ **service** dogs

9 A. Every ~~physically disabled person~~ **with a disability** shall have the same
 10 right as an able-bodied person to the full and free use of the streets, highways,
 11 sidewalks, walkways, public buildings, public facilities, and other public places.

12 B. Every ~~physically disabled person~~ **with a disability** shall be entitled to full
 13 and equal accommodations, advantages, facilities, and privileges in the following,
 14 subject only to the conditions and limitations established by law and applicable alike
 15 to all persons:

16 (1) Common carriers, including taxis, airplanes, motor vehicles, railroad
 17 trains, motor buses, streetcars, boats, or any other public conveyances or modes of
 18 transportation operated on land or water, in the air, or any stations and terminals
 19 thereof.

20 (2) Educational institutions, including but not limited to kindergartens,
 21 primary and secondary schools, trade or business schools, high schools, academies,
 22 colleges, and universities.

23 (3) Hotels, lodging places, restaurants, theaters, places of public
 24 accommodation, amusement, or resort.

25 (4) Other places to which the general public is invited.

26 C. Every ~~physically disabled person~~ **with a disability** may be accompanied
 27 by ~~an assistance~~ **a service** dog, especially trained to aid such person, in any of the
 28 places provided in Subsection B of this Section without being required to pay an
 29 extra charge for such dog. However, he shall be liable for any damage done to the
 30 premises, facilities, operators, or occupants by such dog.

1 D. (1) A public entity may ask a person with a disability to remove his
 2 service dog from a premises if either of the following is present:

3 (a) The service dog is out of control, and the person with a disability
 4 accompanying the service dog does not take effective action to control it.

5 (b) The service dog is not housebroken.

6 (2) If the service dog is properly excluded, the public entity shall give the
 7 person with a disability the opportunity to enter without the service dog.

8 E.(1) A public entity shall not ask about the nature or extent of a
 9 person's disability, but may make the following two inquiries to determine
 10 whether such a dog qualifies as a service dog:

11 (a) A public entity may ask if the service dog is required because of a
 12 disability.

13 (b) A public entity may ask what work or task the service dog has been
 14 trained to perform.

15 (2) A public entity shall not require documentation for proof the service
 16 dog has been certified, trained, or licensed as a service dog.

17 F. Nothing in this Section shall require any person who owns, leases, or
 18 operates any public conveyance or modes of transportation, educational institutions,
 19 hotels, restaurants, theaters, lodging places, places of public accommodation,
 20 amusement, or resort, and other places to which the general public is invited, to
 21 modify his property or facility in any way or provide a higher degree of care for a
 22 ~~physically disabled~~ person with a disability than for a person who is not ~~physically~~
 23 disabled.

24 §1954. Housing accommodations; full and equal access; degree of care; ~~assistance~~
 25 service dogs

26 A. Every ~~disabled~~ person with a disability shall be entitled to full and equal
 27 access, as other members of the general public, to all housing accommodations
 28 offered for rent, lease, or compensation in this state, subject to the conditions and
 29 limitations established by law and applicable alike to all persons.

30 B. Nothing in this Section shall require any person renting, leasing, or

1 providing for compensation ~~real~~ **immovable** property to modify his property in any
 2 way or to provide a higher degree of care for a ~~physically disabled~~ person **with a**
 3 **disability** than for a person who is not ~~physically~~ disabled.

4 C. Each ~~physically disabled~~ person **with a disability** who has ~~an assistance~~
 5 **a service** dog, especially trained to aid such person or who obtains such a dog, shall
 6 be entitled to full and equal access to all housing accommodations as defined in R.S.
 7 46:1952(2), and he shall not be required to pay extra compensation for such dog but
 8 shall be liable for any damage done to the premises or any person on the premises
 9 by such dog.

10 §1955. ~~Assistance~~ **Service** dog trainers and puppy raisers; rights; liability

11 During the training of ~~an assistance~~ **a service** dog, any trainer or puppy raiser
 12 of such dog shall have the same rights and privileges as a ~~physically disabled~~ person
 13 **with a disability** to be accompanied by ~~an assistance~~ **a service** dog in any place or
 14 facility provided in this Chapter without being required to pay an extra charge for
 15 such dog. However, during the training of ~~an assistance~~ **a service** dog, he shall be
 16 liable for any damages done to any person, premises, or facility by the ~~assistance~~
 17 **service** dog.

18 §1956. Violation of rights; injury or interference with ~~an assistance~~ **a service** dog;
 19 penalties; civil action; damages; cost and attorney fees

20 A. Any person, firm, or corporation, or the agent, representative, or
 21 employee of any person, firm, or corporation who ~~+~~ withholds, denies, deprives, or
 22 attempts to withhold, deny, or deprive; intimidates, threatens, coerces, or attempts
 23 to threaten, intimidate, or coerce; punishes or attempts to punish a ~~physically~~
 24 ~~disabled~~ person **with a disability** or a trainer or puppy raiser of ~~an assistance~~ **a**
 25 **service** dog, during the training of such dog, or for exercising his right to be admitted
 26 to or enjoy the places and facilities provided in this Chapter; or otherwise interferes
 27 with the rights of a ~~physically disabled~~ person **with a disability** under this Chapter
 28 shall be guilty of a misdemeanor and fined not less than one hundred dollars nor
 29 more than five hundred dollars or imprisoned for not more than six months, or both.

30 B. Any person who purposely or negligently injures ~~an assistance~~ **a service**

1 dog or any owner of a dog who allows that dog to injure ~~an assistance~~ **a service** dog
 2 because he fails to control or leash the dog shall also be guilty of a misdemeanor and
 3 fined not less than one hundred dollars nor more than five hundred dollars or
 4 imprisoned for not more than six months, or both. Such person shall also be liable
 5 for any injuries to the ~~assistance~~ **service** dog and, if necessary, the replacement and
 6 compensation for the loss of the ~~assistance~~ **service** dog.

7 C. For every offense, such person shall pay for actual damages for any
 8 economic loss to any person aggrieved thereby, to be recovered in any court of
 9 competent jurisdiction in the parish where such offense was committed or where the
 10 aggrieved person resides.

11 D. In an action brought under this Section, the court may award costs and
 12 reasonable attorney's fee to the prevailing party.

13 §1957. Precautions for operators of motor vehicles approaching ~~physically disabled~~
 14 pedestrians **with disabilities**

15 A. Operators of motor vehicles approaching a ~~physically disabled~~ pedestrian
 16 **with a disability** who is carrying a cane predominantly white in color, with or
 17 without a red tip, or a ~~physically disabled~~ pedestrian **with a disability** using an
 18 ~~assistance~~ **a service** dog shall take all necessary precautions to avoid injury to such
 19 pedestrian.

20 B. Any such operator who fails to take all necessary precautions to avoid
 21 injury to a ~~physically disabled~~ pedestrian **with a disability** shall be liable in damages
 22 for any injury caused to the pedestrian and any injury caused to the pedestrian's
 23 ~~assistance~~ **service** dog.

24 C. No operator of a motor vehicle shall drive into or upon any crosswalk
 25 while a ~~physically disabled~~ pedestrian **with a disability** is on the crosswalk or
 26 crossing or attempting to cross the crosswalk if such pedestrian indicates his
 27 intention to cross or to continue to cross the crosswalk. Failure by the pedestrian to
 28 signal his intention to cross the crossway shall not deprive him of the right of way
 29 given to him by other applicable law or regulation.

30 §1958. Exemption from license fee; ~~assistance~~ **service** dog

1 Assistance ~~Service~~ dogs, **as defined in R.S. 46:1952**, shall be exempt from
2 any state or local license fee.

3 §1959. Scope of Chapter

4 Nothing in this Chapter shall be construed to amend, repeal, conflict with, or
5 supersede any federal or state law, rule, or regulation or local ordinance mandating
6 full and equal access in the use of public facilities or places, common carriers, public
7 conveyances, or other modes of transportation, or housing accommodations for a
8 ~~physically disabled~~ person **with a disability**.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____