

House Bill 979

By: Representatives Harrell of the 62nd and Stallings of the 100th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to create the State Board of Guide Dogs for the Blind; to provide for
3 definitions; to provide for the appointment, terms, powers, and duties of the board and the
4 members thereof; to provide for vacancies; to provide for personnel; to provide for the
5 powers and duties of the Professional Licensing Boards Division of the Office of the
6 Secretary of State and the division director thereof; to provide for meetings and records of
7 the board; to provide for the licensing of schools and instructors; to provide for requirements
8 and procedures for the issuance, renewal, suspension, and revocation of licenses; to provide
9 for applications; to provide for examinations; to provide for fees; to provide for continuing
10 education requirements; to provide for suspension of licenses; to prohibit certain conduct;
11 to provide for home training; to provide for requirements for guide dogs and seeing-eye dogs;
12 to require certain reports and the furnishing of certain information; to provide for contracts
13 and the ownership of guide dogs; to require the humane treatment of guide dogs; to provide
14 for rules and regulations; to provide for penalties; to provide for other matters relating to the
15 foregoing; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
19 is amended by adding a new Chapter 19A to read as follows:

20 "CHAPTER 19A

21 43-19A-1.

22 As used in this chapter, the term:

23 (1) 'Board' means the State Board of Guide Dogs for the Blind created in Code Section
24 43-19A-2.

1 (2) 'Division' means the professional licensing boards division created under Code
2 Section 43-1-2.

3 (3) 'Division director' shall have the same meaning as specified in Code Section 43-1-1.

4 (4) 'Instructor' means a person who instructs blind persons in the use of guide dogs or
5 who engages in the business of training, selling, hiring, or supplying guide dogs for the
6 blind.

7 (5) 'Person' means an individual, firm, partnership, association, corporation, limited
8 liability company, or cooperative association.

9 43-19A-2.

10 (a) There is created the State Board of Guide Dogs for the Blind in which enforcement of
11 this chapter is vested. The board shall consist of seven members appointed by the
12 Governor. One member shall be the director of the Division of Rehabilitation Services of
13 the Department of Labor or his or her designated representative. The remaining members
14 shall be persons who have shown a particular interest in dealing with the problems of the
15 blind, and at least two of them shall be blind persons who use guide dogs. Members of the
16 board shall be residents of this state. No person shall be eligible for membership on the
17 board who is an owner of, partner in, stockholder of, or financially interested in, directly
18 or indirectly, any company, organization, or concern training, supplying, delivering, or
19 furnishing any guide dogs for use by the blind. Members of the board shall be appointed
20 for terms of four years and until their respective successors are appointed and qualified,
21 provided that in the appointment of the initial members of the board, one member shall be
22 appointed for an initial term of one year, two members shall be appointed for initial terms
23 of two years, two members shall be appointed for initial terms of three years, and two
24 members shall be appointed for initial terms of four years. Any vacancy on the board
25 caused by death, resignation, or other cause shall be filled by the appointment of a
26 successor for the remainder of the unexpired term.

27 (b) The board shall be assigned to the Office of the Secretary of State and shall be under
28 the jurisdiction of the director and the division. Chapter 1 of this title shall be applicable
29 to the board and its members, powers, duties, authority, and operations.

30 (c) The members of the board shall annually designate one such member to serve as
31 chairperson and another to serve as vice chairperson and may select such additional officers
32 as the board deems necessary. Persons so designated shall serve until their respective
33 successors are selected by the board.

34 (d) The board shall hold regular meetings at least once a year at which an examination of
35 applicants for licenses shall be given. Special meetings shall be held upon request of a
36 majority of the members of the board or upon the call of the chairperson.

1 (e) The board shall keep an accurate record of all its proceedings and of all its meetings.

2 43-19A-3.

3 The board:

4 (1) Shall have exclusive authority in this state to issue, renew, suspend, or revoke
5 licenses for the instruction of blind persons in the use of guide dogs and for the training
6 of guide dogs for use by blind persons;

7 (2) Shall have exclusive authority in this state to issue, renew, suspend, or revoke
8 licenses to operate schools for the training of guide dogs for the blind and the instruction
9 of blind persons in the use of guide dogs;

10 (3) Is authorized to provide for examination for persons requesting a license as an
11 instructor;

12 (4) Is authorized to establish standards for the establishment and operation of schools for
13 the training of guide dogs for the blind and the instruction of blind persons in the use of
14 guide dogs and to establish criteria for the curriculum of such schools; and

15 (5) Is authorized to exercise any and all other powers and authority provided for in
16 Chapter 1 of this title or by any other law of this state relating to professional licensing
17 boards of this state.

18 43-19A-4.

19 It shall be unlawful for any person to sell, offer for sale, give, hire, or furnish under any
20 other arrangement any guide dog or seeing-eye dog or to engage in the business or
21 occupation of training any such dog or in the operation of any school for the training of any
22 guide dog or seeing-eye dog for the blind unless such person holds a valid and unimpaired
23 license issued pursuant to the provisions of this chapter.

24 43-19A-5.

25 To be eligible for examination as an instructor of guide dogs for the blind or as an
26 instructor of blind persons in the use of guide dogs a person must:

27 (1) Have a knowledge of the special problems of the blind and how to teach them;

28 (2) Be able to demonstrate by actual blindfold test under traffic conditions his or her
29 ability to train guide dogs with whom a blind person would be safe;

30 (3) Be suited temperamentally and otherwise to instruct blind persons in the use of guide
31 dogs; and

32 (4) Have had at least three years' actual experience, comprising such number of hours
33 as the board may require, as an instructor, and have handled not less than 22 person-dog

1 units or its equivalent, as determined by the board, as an apprentice under a licensed
2 instructor or under an instructor in a school satisfactory to the board.

3 43-19A-6.

4 Each applicant for an instructor's license shall file an application with the board and shall
5 pay to the division director at the time of filing an application the fees fixed by the board.
6 No license shall be granted until the applicant has satisfactorily completed the examination
7 prescribed by the board and has shown that he or she is equipped by a school or by
8 equivalent facilities satisfactory to the board to provide services.

9 43-19A-7.

10 (a) As a condition of renewal of an instructor's license, the instructor shall provide proof
11 of completion of not less than eight hours of continuing education. The board shall
12 determine the form of proof.

13 (b) Continuing education shall meet the criteria specified by the board and shall be in one
14 or more of the following subject matter areas:

- 15 (1) Blindness and mobility;
- 16 (2) Health issues relating to blindness;
- 17 (3) Instructing blind persons; or
- 18 (4) Care and training of dogs.

19 43-19A-8.

20 Each applicant for a license to operate a school for the training of guide dogs for the blind
21 and the instruction of blind persons in the use of guide dogs shall file an application with the
22 board and shall pay to the division director at the time of filing an application the fees fixed
23 by the board. No license shall be granted until the applicant has satisfactorily proven to the
24 board that the applicant:

- 25 (1) Has knowledge of the special problems of the blind and how to teach them;
- 26 (2) Has the knowledge and ability necessary to train guide dogs for the blind and to
27 properly train blind persons in the proper care, treatment, and techniques for the training
28 of guide dogs;
- 29 (3) Has proper and adequate facilities and equipment to safely operate such school; and
- 30 (4) Has proper and adequate facilities and personnel to properly and adequately care for
31 dogs used in such operations.

1 43-19A-9.

2 The license of a school shall be automatically suspended if there is no licensed instructor
3 in charge of the training of guide dogs and in the instruction of persons in the use of guide
4 dogs. Upon a showing satisfactory to the board that an emergency exists a temporary
5 instructor's permit may be granted under conditions prescribed by the board.

6 43-19A-10.

7 It shall be unlawful to solicit funds for any person purporting to provide guide dogs for the
8 blind in this state unless the person for whose benefit the solicitation is made holds a valid
9 and unimpaired license issued by the board.

10 43-19A-11.

11 The board may authorize schools licensed by the board or instructors employed by those
12 schools to provide home training in the use of guide dogs. If a school desires to provide
13 home training in the use of guide dogs, it shall apply to the board and provide the board
14 with a written plan and procedure for conducting that home training, which shall be
15 approved by the board prior to conducting any home training. Schools providing home
16 training in the use of guide dogs shall, annually, provide the board with the names and
17 addresses of those persons who are receiving home training and shall include those persons
18 who have received home training from the school subsequent to the last report filed with
19 the board. The guide dog user, as a condition of receiving home training, shall have
20 completed a formal in-residence training program from a school licensed by the board to
21 provide guide dog training or from a school recognized by another state to provide guide
22 dog training. The requirement for a formal in-residence training program from a school
23 licensed by the board may be waived by the school when that requirement imposes an
24 undue hardship on the guide dog user. Home training shall consist of not less than 20 hours
25 of training. This Code section shall only apply to those schools that are licensed by the
26 board to furnish guide dogs and to train persons to use guide dogs, that desire to provide
27 home training in the use of guide dogs, and that apply to the board for approval to provide
28 that home training.

29 43-19A-12.

30 No person shall sell, give, or furnish any guide dog or seeing-eye dog to a blind person
31 unless:

32 (1) The dog has been immunized against distemper and rabies;

33 (2) The dog has been neutered; and

34 (3) The dog has been examined by a licensed veterinarian and found to be in good health.

1 A certificate from a veterinarian certifying to the foregoing shall be delivered to the
2 recipient of the dog at the time of delivery of the dog.

3 43-19A-13.

4 (a) Within 60 days after the end of a calendar year or after the termination of the fiscal
5 year of a school, there shall be furnished to the board the following:

6 (1) A list of students who were accepted for training and a list of students who have
7 completed training during the preceding calendar year; and

8 (2) A list of the number of dogs trained by such school during the preceding calendar
9 year.

10 (b) Within 180 days after the end of a calendar year, each school shall furnish to the board
11 an independent audit of the school's finances by a certified public accountant licensed by
12 this state.

13 43-19A-14.

14 (a) During the first year following the successful training of each person-dog unit and
15 release from a guide dog training school of such trained person supplied with a guide dog,
16 the school may retain title to the trained dog. During such probationary year, the school
17 may enter into a contractual agreement with the user of the dog describing the conditions
18 under which the user may maintain the status of legal custodian of the dog. During the
19 probationary year, the school, acting in what it deems to be the best interest of the user, the
20 dog, or the public, may temporarily or permanently resume possession of such dog.

21 (b) Within 15 days after the end of each calendar year, each licensed school shall report
22 to the board the following:

23 (1) The number of dog ownership titles transferred to dog users pursuant to this Code
24 section during the calendar year;

25 (2) The number of title recoveries and repossessions made by the school pursuant to this
26 Code section during the calendar year;

27 (3) The number, type, and amount of charges assessed for follow-up training, instruction,
28 veterinary services, or boarding services which make a distinction between users who
29 have acquired title to their dogs and users who have not acquired such title; and

30 (4) The views of the governing entity of the school as to any problems or concerns
31 relative to compliance with the provisions of this Code section, along with
32 recommendations for appropriate legislative or administrative changes commensurate
33 with the purposes of this Code section.

1 (c) The board shall forward to the Governor and the General Assembly on or before March
 2 1 of each year a copy of each school report along with its own analysis, comments, and
 3 appropriate recommendations relative to such reports.

4 (d) Immediately upon completion of the first year following the successful training
 5 referred to in subsection (a) of this Code section, if the training school and the dog user are
 6 mutually satisfied with the operation of the person-dog unit, title to the dog shall be
 7 transferred to the blind user if the user so desires. Transfer of title shall be evidenced by
 8 a transfer of title agreement executed by both parties thereto. The school may retain an
 9 option to recover title to and possession of the guide dog subject to conditions described
 10 in the transfer of title agreement. Such conditions may include, but are not limited to, the
 11 following:

12 (1) If, in the school's opinion, the guide dog is being misused or neglected or mistreated
 13 by its blind user;

14 (2) If the blind person to whom the dog was furnished has ceased to use the dog as a
 15 guide and the dog is not too old to be retrained as a guide for another blind person; or

16 (3) If, in the school's opinion, the dog is no longer a safe guide and the user refuses to
 17 cease using the dog as a guide after being requested by the school to cease such use.

18 (e) The guide dog school shall make no distinction as to the quality or extent of follow-up
 19 or supportive services available to its blind graduates based on whether they elect to
 20 acquire title to their dogs or allow title to remain with the school after the probationary
 21 year. The school may make such a distinction when assessing reasonable and appropriate
 22 charges for follow-up training, instruction, veterinary, or boarding services.

23 (f) No applicant for admission to a guide dog training school nor any enrolled student shall
 24 be required by the school prior to completion of his or her training to sign any instrument
 25 or to announce his or her intention regarding transfer of title of the dog from the school to
 26 himself or herself upon completion of the training and probation period.

27 43-19A-15.

28 Pursuant to the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 29 Act,' the board may make such rules and regulations as are reasonably necessary to:

30 (1) Govern the procedure of the board;

31 (2) Govern the admission of applicants for examination for licenses to instruct blind
 32 persons in the use of guide dogs or to engage in the business of training, selling, hiring,
 33 or being in the business of supplying guide dogs for the blind;

34 (3) Govern the operation of schools which furnish guide dogs and train blind persons to
 35 use guide dogs;

36 (4) Issue or reissue licenses;

- 1 (5) Examine or reexamine licensees; and
2 (6) Perform any other duty or exercise any other power assigned to the board by the laws
3 of this state.

4 43-19A-16.

5 Any person violating any provision of this chapter is guilty of a misdemeanor."

6 **SECTION 2.**

7 All laws and parts of laws in conflict with this Act are repealed.