

House Bill 473

By: Representative Kirby of the 114th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped
2 persons, so as to provide for additional rights and responsibilities of persons with service
3 animals; to provide for accommodation of those requiring service animals; to authorize
4 creation and issuance of information cards under the auspices of the Department of Human
5 Services; to provide for criminal offenses and penalties relating to fraudulent representation
6 relating to disability; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is
11 amended by revising Chapter 4, relating to rights of persons with disabilities, as follows:

12 "CHAPTER 4

13 30-4-1.

14 As used in this chapter, the term:

15 (1) 'Housing accommodations' means any real property or portion thereof which is used
16 or occupied, or intended, arranged, or designed to be used or occupied, as the home,
17 residence, or sleeping place of one or more human beings but shall not include any
18 single-family residence the occupants of which rent, lease, or furnish for compensation
19 not more than one room therein.

20 (2) 'Major life activities' means those actions necessary to function effectively in society
21 and shall include ambulating, seeing, hearing, learning, working, and interacting with
22 others.

23 ~~(2)~~(3) 'Physically disabled or mentally impaired person' means any person, regardless of
 24 age, who is subject to is unable or substantially limited in his or her ability to perform one
 25 or more major life activities as a result of:

26 (A) a A physiological defect or deficiency regardless of its cause, nature, or extent that
 27 renders the person unable to move about without the aid of crutches, a wheelchair, or
 28 any other form of support, or that limits the person's functional ability to ambulate,
 29 climb, descend, sit, rise, or to perform any related function.; or

30 (B) A mental or psychological disorder or illness.

31 (4) 'Service animal' means an animal that is trained or is actively being trained to assist,
 32 do work, or perform tasks for a physically or mentally impaired person and which is
 33 actually utilized for the purpose of aiding such person in performing one or more major
 34 life activities; provided, however, that such term shall not include an animal solely
 35 providing comfort, emotional support, or companionship.

36 30-4-2.

37 (a) ~~Blind persons, persons with visual disabilities, persons with physical disabilities, and~~
 38 ~~deaf~~ Physically or mentally impaired persons are entitled to full and equal
 39 accommodations, advantages, facilities, and privileges on all common carriers, airplanes,
 40 motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public
 41 conveyances or modes of transportation and at hotels, lodging places, places of public
 42 accommodation, amusement, or resort, and other places to which the general public is
 43 invited, subject only to the conditions and limitations established by law and applicable
 44 alike to all persons.

45 (b)(1) Every ~~totally or partially blind~~ physically or mentally impaired person shall have
 46 the right to be accompanied by a ~~guide dog, and every physically disabled person and~~
 47 ~~every deaf person shall have the right to be accompanied by a service dog~~ service animal,
 48 especially trained for the whenever necessary to perform its purpose, in any of the places
 49 listed in subsection (a) of this Code section without being required to pay an extra charge
 50 for the ~~guide or service dog~~ service animal; provided, however, that ~~he or she~~ any such
 51 person shall be liable for any damage done to the premises or facilities by such ~~dog~~
 52 service animal. In addition, if such ~~totally or partially blind person, physically disabled~~
 53 ~~person, or deaf person~~ is a student at a private or public school in this state, ~~such person~~
 54 he or she shall have the right to be accompanied by a ~~guide dog or service dog~~ service
 55 animal, whenever necessary to perform its purpose, subject to liability for damage as
 56 provided in the preceding sentence. ~~The guide dog or service dog must be identified as~~
 57 ~~having been trained by a school for seeing eye, hearing, service, or guide dogs.~~

58 (2) Every person actively engaged in the training of a ~~guide dog or service dog for the~~
 59 ~~purpose of accompanying a person as provided in paragraph (1) of this subsection~~ service
 60 animal shall have the same right to be accompanied by such ~~dog being trained as the~~
 61 ~~totally or partially blind person, deaf person, or physically disabled person has~~ service
 62 animal as a physically or mentally impaired person under paragraph (1) of this
 63 subsection, so long as such trainer is identified as the owner of such service animal or as
 64 an agent or employee of a school for seeing eye, hearing, service, or guide dogs. training
 65 service animals and:

66 (3) ~~Every person engaged in the raising of a dog for training as a guide dog or service~~
 67 ~~dog for the purpose of accompanying a person as provided in paragraph (1) of this~~
 68 ~~subsection shall have the same right to be accompanied by such dog being raised for~~
 69 ~~training as the totally or partially blind person, deaf person, or physically disabled person~~
 70 ~~has under paragraph (1) of this subsection, so long as:~~

71 (A) ~~Such dog is being held on a leash and~~ service animal is under the control of the
 72 ~~person raising such dog for an accredited school for seeing eye, hearing, service, or~~
 73 ~~guide dogs~~ trainer at all times, whether by physical restraint or command;

74 (B) ~~Such person~~ The trainer has on his or her person and available for inspection
 75 credentials from the ~~accredited school for which the dog~~ such service animal is being
 76 ~~raised~~ trained or proof of ownership of such service animal; and

77 (C) ~~Such dog~~ service animal is wearing a collar, leash, or other appropriate apparel or
 78 device that identifies such ~~dog~~ service animal with the ~~accredited school for which such~~
 79 ~~dog~~ it is being raised trained.

80 (c) Every ~~totally or partially blind~~ physically or mentally impaired person operating a
 81 vending stand shall have the right to be accompanied by a ~~trained guide dog~~ service animal
 82 on the entire premises of his or her vending operation.

83 30-4-3.

84 (a) ~~Blind persons, visually disabled persons, physically disabled persons, and deaf~~
 85 Physically or mentally impaired persons shall be entitled to rent, lease, or purchase, as
 86 other members of the general public, all housing accommodations offered for rent, lease,
 87 or other compensation in this state, subject to the conditions and limitations established by
 88 law and applicable alike to all persons.

89 (b) ~~Every totally or partially blind person, every physically disabled person, and every deaf~~
 90 physically or mentally impaired person who has a ~~guide dog or service dog or who obtains~~
 91 ~~a guide dog or service dog~~ or obtains a service animal and every person engaged in the
 92 training of a ~~guide dog or service dog~~ service animal shall be entitled to full and equal
 93 access to all housing accommodations provided for in this Code section, and he or she shall

94 not be required to pay extra compensation for such ~~guide dog or service dog~~. However,
 95 service animal; provided, however, that he or she shall be liable for any damage done to
 96 the premises by such ~~guide dog or service dog~~ service animal.

97 (c) Nothing in this Code section shall require any person renting, leasing, or otherwise
 98 providing real property for compensation to modify his or her property in any way or
 99 provide a higher degree of care for a ~~blind, visually disabled, physically disabled, or deaf~~
 100 physically or mentally impaired person than for a person who is not so disabled.

101 30-4-4.

102 (a) The Department of Human Services may authorize private service organizations that
 103 provide assistance to physically or mentally impaired persons to create and issue
 104 information cards containing the department's seal which briefly detail the rights of
 105 physically or mentally impaired persons and the penalty for denial of, or interference with,
 106 such rights as follows:

107 (1) The front side of such cards shall contain information identifying the owner of such
 108 card. Such identifying information may include a photograph; and

109 (2) The reverse side of such cards shall contain the following language:

110 'Under the laws of the State of Georgia, the rights of certain persons with physical
 111 or mental impairments include the right of equal access to public accommodations
 112 and the right to be accompanied by a service animal at all places of public
 113 accommodation, subject to limitations and conditions established by law. Denial
 114 of, or interference with, such rights constitutes a misdemeanor of a high and
 115 aggravated nature punishable by a fine of up to \$2,000.00, imprisonment for up
 116 to 30 days, or both.'

117 (b) The department may authorize private service organizations that provide assistance to
 118 disabled persons to create and issue information cards containing the department's seal
 119 which briefly detail the rights of persons training service animals and the penalty for denial
 120 of, or interference with, such rights as follows:

121 (1) The front side of such cards shall contain information identifying the owner of such
 122 card. Such identifying information may include a photograph; and

123 (2) The reverse side of such cards shall contain the following language:

124 'Under the laws of the State of Georgia, the rights of certain persons who train
 125 service animals include the right of equal access to public accommodations and
 126 the right to be accompanied by the service animal being trained at all places of
 127 public accommodation, subject to limitations and conditions established by law.
 128 Denial of, or interference with, such rights constitutes a misdemeanor of a high

129 and aggravated nature punishable by a fine of up to \$2,000.00, imprisonment for
130 up to 30 days, or both.'

131 (c) The department shall promulgate such rules and regulations as necessary to implement
132 this Code section.

133 30-4-5.

134 (a) Any person, firm, corporation, or the agent of any person, firm, or corporation who
135 denies or interferes with admittance to or enjoyment of the facilities enumerated in this
136 chapter or otherwise interferes with the rights of a ~~totally or partially blind person,~~
137 ~~physically disabled person, or deaf~~ physically or mentally impaired person or person
138 engaged in the training or raising of a ~~guide dog or service dog~~ service animal as provided
139 by this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon
140 conviction thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for
141 not more than 30 days, or both.

142 (b) Any person who knowingly and willfully misrepresents himself or herself as qualified
143 to use or train a service animal in order to obtain accommodation or secure rights under this
144 chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon
145 conviction thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for
146 not more than 30 days, or both."

147 **SECTION 2.**

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