

The House Committee on Health and Human Services offers the following substitute to HB 473:

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 dogs; to provide for accommodations of those requiring service dogs; to provide for criminal
4 offenses and penalties; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

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

10 "CHAPTER 4

11 30-4-1.

12 As used in this chapter, the term:

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

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

21 (2)(3) 'Physically disabled impaired person' means any person, regardless of age, who
22 is subject to is unable or substantially limited in his or her ability to perform one or more
23 major life activities as a result of a physiological defect or deficiency regardless of its
24 cause, nature, or extent ~~that renders the person unable to move about without the aid of~~

25 ~~crutches, a wheelchair, or any other form of support, or that limits the person's functional~~
 26 ~~ability to ambulate, climb, descend, sit, rise, or to perform any related function.~~

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

32 30-4-2.

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

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

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

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

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

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

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

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

77 30-4-3.

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

83 ~~(b) Every totally or partially blind person, every physically disabled person, and every deaf~~
 84 ~~physically impaired person who has a guide dog or service dog or who obtains a guide dog~~
 85 ~~or service dog or obtains a service dog and every person engaged in the training of a guide~~
 86 ~~dog or service dog shall be entitled to full and equal access to all housing accommodations~~
 87 ~~provided for in this Code section, and he or she shall not be required to pay extra~~
 88 ~~compensation for such guide dog or service dog. However, service dog; provided,~~
 89 ~~however, that he or she shall be liable for any damage done to the premises by such guide~~
 90 ~~dog or service dog.~~

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

95 30-4-4.

96 (a) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who
97 denies or interferes with admittance to or enjoyment of the facilities enumerated in this
98 chapter or otherwise interferes with the rights of a ~~totally or partially blind person,~~
99 ~~physically disabled person, or deaf~~ physically impaired person or person engaged in the
100 training or raising of a ~~guide dog or~~ service dog as provided by this chapter shall be guilty
101 of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be
102 punished by a fine not to exceed \$2,000.00, imprisonment for not more than 30 days, or
103 both.

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

109 **SECTION 2.**

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