

House Bill 668

By: Representatives Thomas of the 21st, Seabaugh of the 34th, Washburn of the 144th,
McCollum of the 30th, Dempsey of the 13th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16, Chapter 4 of Title 30, and Chapter 6 of Title 40 of the Official Code of
2 Georgia Annotated, relating to crimes and offenses, rights of persons with disabilities, and
3 uniform rules of the road, respectively, so as to change references to assistance and guide
4 dogs to service dogs; to provide for definitions and conforming changes; to provide for a
5 criminal penalty for a person who causes death or physical harm to a service dog; to provide
6 for exceptions; to revise provisions relating to the use and training of service dogs; to provide
7 for a penalty for persons who misrepresent the need for a service dog; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
12 amended in Chapter 11, relating to offenses against public order and safety, by revising Code
13 Section 16-11-107.1, relating to harassment of assistance dog by humans or other dogs and
14 penalty, as follows:

15 "16-11-107.1.

16 (a) As used in this Code section, the term:

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17 (1) ~~'Assistance dog' means a dog that is or has been trained by a licensed or certified~~
18 ~~person, organization, or agency to perform physical tasks for a physically challenged~~
19 ~~person. Assistance dogs include guide or leader dogs that guide individuals who are~~
20 ~~legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to~~
21 ~~specific sounds; and service dogs for individuals with disabilities other than blindness or~~
22 ~~deafness, which are trained to perform a variety of physical tasks, including, but not~~
23 ~~limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or~~
24 ~~providing assistance in a medical crisis.~~

25 (2) 'Harass' means to engage in any conduct directed toward ~~an assistance~~ a service dog
26 that is ~~knowingly~~ likely to impede or interfere with the ~~assistance~~ service dog's
27 performance of its duties or that places the ~~blind, deaf, or physically limited~~ physically
28 or mentally impaired person being served or assisted by the service dog in danger of
29 injury.

30 (3)(2) 'Notice' means an oral or otherwise communicated warning proscribing the
31 behavior of another person and a request that the person stop the particular behavior.

32 (3) 'Service dog' shall have the same meaning as set forth in Code Section 30-4-1.

33 (b) Any person who ~~knowingly and intentionally~~ with criminal negligence harasses or
34 attempts to harass ~~an assistance~~ a service dog, ~~knowing~~ when he or she knows or should
35 know the dog to be ~~an assistance~~ a service dog, shall be guilty of a misdemeanor and, upon
36 conviction thereof, shall be punished by ~~imprisonment~~ confinement for not less than 90
37 days or a fine not to exceed \$500.00, or both.

38 (c) Any person who has received notice that his or her behavior is interfering with the use
39 of ~~an assistance~~ a service dog ~~and~~ who continues to ~~knowingly and intentionally~~ harass ~~an~~
40 ~~assistance~~ the service dog, ~~knowing the dog to be an assistance dog,~~ shall be guilty of a
41 misdemeanor and, upon conviction thereof, shall be punished by ~~imprisonment~~
42 confinement for not less than 90 days or a fine not to exceed \$500.00, or both, provided

43 that any person who is convicted of a second or subsequent violation of this subsection
44 shall be punished as for a misdemeanor of a high and aggravated nature.

45 (d) Any person who ~~knowingly and intentionally~~ with criminal negligence allows his or
46 her dog to harass ~~an assistance a service dog~~, knowing when he or she knows or should
47 know the dog to be ~~an assistance a service dog~~, shall be guilty of a misdemeanor and, upon
48 conviction thereof, shall be punished by ~~imprisonment~~ confinement for not less than 90
49 days or a fine not to exceed \$500.00, or both, provided that any person who is convicted
50 of a second or subsequent violation of this subsection shall be punished as for a
51 misdemeanor of a high and aggravated nature.

52 (e) Any person who ~~knowingly and intentionally~~ with criminal negligence allows his or
53 her dog to cause death or physical harm to ~~an assistance a service dog~~ by rendering a part
54 of the ~~assistance service~~ dog's body useless or by seriously disfiguring the ~~assistance~~
55 service dog, knowing when he or she knows or should know the dog to be ~~an assistance a~~
56 service dog, shall be punished as for a misdemeanor of a high and aggravated nature.

57 (f) Any person who causes death or physical harm to a service dog by rendering a part of
58 the service dog's body useless or by seriously disfiguring the service dog, when he or she
59 knows or should know the dog to be a service dog, shall be guilty of a felony and, upon
60 conviction thereof, shall be punished by imprisonment for not less than one nor more than
61 five years and by a fine of not more than \$10,000.00. This subsection shall not apply to
62 the euthanasia of a service dog for humane purposes in a manner consistent with the
63 provisions of Code Section 4-11-5.1.

64 (g) The provisions of subsections (e) and (f) of this Code section shall not apply in
65 instances where the service dog is the aggressor toward a person or a person's dog or other
66 animal. In such instances, the person shall have the right to defend his or her person or
67 property in a manner consistent with Code Section 4-8-5."

68 **SECTION 2.**

69 Said title is further amended in Chapter 12, relating to offenses against public health and
 70 morals, by revising paragraph (6) of subsection (a) of Code Section 16-12-120, relating to
 71 certain acts in public transit buses, rapid rail cars, or stations and penalty, as follows:

72 "(6) Carries or possesses any explosives, acids, other dangerous articles, or live animals,
 73 except for the following:

74 (A) A ~~guide dog or~~ service dog as described in Code Section 30-4-2, provided that
 75 such ~~guide dog or~~ service dog is accompanied by a ~~physically disabled person, blind~~
 76 ~~person, person with visual disabilities, deaf~~ physically or mentally impaired person; or
 77 a person who is responsible for training a ~~guide dog or~~ service dog; and

78 (B) Small pets confined to rigid pet carriers with locks or latches;"

79 **SECTION 3.**

80 Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons
 81 with disabilities, is amended by revising Code Section 30-4-1, relating to definitions, as
 82 follows:

83 "30-4-1.

84 As used in this chapter, the term:

85 (1) 'Activities of daily living' means tasks that are essential, routine, and provide for an
 86 individual's basic physical needs, including but not limited to eating, toileting, grooming,
 87 dressings, shaving, walking, and transferring.

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

93 ~~(2) 'Physically disabled person' means any person, regardless of age, who is subject to~~
94 ~~a physiological defect or deficiency regardless of its cause, nature, or extent that renders~~
95 ~~the person unable to move about without the aid of crutches, a wheelchair, or any other~~
96 ~~form of support, or that limits the person's functional ability to ambulate, climb, descend,~~
97 ~~sit, rise, or to perform any related function.~~

98 (3) 'Owner training' means training of a dog to become a service dog by an owner who
99 is a physically or mentally impaired person by teaching the dog to perform the specific
100 tasks that directly assist such owner and directly relate to such owner's specific disability
101 and to take a specific action when needed to assist the person.

102 (4) 'Physically or mentally impaired person' means any person, regardless of age, who,
103 regardless of the cause, nature, or extent, is rendered substantially limited or unable to
104 perform one or more activities of daily living as a result of developmental deficiencies,
105 the aging process, learning disabilities, physical injury or disease, cognitive impairments,
106 or psychological or social disabilities.

107 (5) 'Service dog' means any domestic canine that has been individually trained to do
108 work or perform tasks that directly assist a physically or mentally impaired person and
109 directly relate to such person's specific disability and to take a specific action when
110 needed to assist the person, or if still in training, that is operating under the guidance of
111 a working service dog. Such term shall not include a dog that has not been trained to do
112 a specific job or task or that solely provides comfort, companionship, or emotional
113 support to a person, regardless of such person's disability status."

114 **SECTION 4.**

115 Said chapter is further amended by revising Code Section 30-4-2, relating to right to equal
116 public accommodations and right to be accompanied by guide dog or service dog, as follows:

117 "30-4-2.

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

125 (b)(1) ~~Every totally or partially blind person shall have the right to be accompanied by~~
126 ~~a guide dog, and every physically disabled person and every deaf~~ physically or mentally
127 impaired person shall have the right to be accompanied by a service dog, especially
128 trained for the purpose, in any of the places listed in subsection (a) of this Code section
129 without being required to pay an extra charge for the ~~guide or~~ service dog; provided,
130 however, that he or she shall be liable for any damage done to the premises or facilities
131 by such service dog. In addition, if such ~~totally or partially blind person, physically~~
132 ~~disabled person, or deaf~~ physically or mentally impaired person is a student at a private
133 or public school in this state, such person shall have the right to be accompanied by a
134 ~~guide dog or~~ service dog subject to liability for damage as provided in the preceding
135 sentence. ~~The guide dog or service dog must be identified as having been trained by a~~
136 ~~school for seeing eye, hearing, service, or guide dogs.~~

137 (2) Every person engaged in the training of a ~~guide dog or~~ service dog for the purpose
138 of accompanying a person as provided in paragraph (1) of this subsection shall have the
139 same right to be accompanied by such service dog being trained as the ~~totally or partially~~
140 ~~blind person, deaf person, or physically disabled~~ physically or mentally impaired person
141 has under paragraph (1) of this subsection, so long as such trainer is engaged in owner
142 training or is identified as an agent or employee of a school for ~~seeing eye, hearing,~~
143 ~~service, or guide~~ service dogs.

144 (3) Every person engaged in the raising of a dog for training as a ~~guide dog or service~~
 145 dog for the purpose of accompanying a person as provided in paragraph (1) of this
 146 subsection and every physically or mentally impaired person who is engaged in owner
 147 training of his or her dog as a service dog shall have the same right to be accompanied
 148 by such dog being raised for training or in owner training as the ~~totally or partially blind~~
 149 ~~person, deaf person, or physically disabled~~ physically or mentally impaired person has
 150 under paragraph (1) of this subsection, so long as:

151 (A) The trainer notifies an onsite manager that a service animal in training is being
 152 brought onto the premises;

153 (B) Each trainer or puppy raiser during the training of a service animal is liable for any
 154 damage done to persons, premises, or facilities by that service animal in training;

155 (C) Such dog is being held on a leash and is under the control of the person raising
 156 such dog for an accredited school for seeing eye, hearing, service, or guide dogs at all
 157 times and such control includes that such dog is on a harness, leash, or other tether,
 158 unless either the handler is unable because of a disability to use a harness, leash, or
 159 other tether, or the use of a harness, leash, or other tether would interfere with the
 160 service dog's safe, effective performance of work or tasks, in which case the service dog
 161 must be otherwise under the handler's control through the use of voice control, signals,
 162 or other effective means;

163 (B) ~~Such person has on his or her person and available for inspection credentials from~~
 164 ~~the accredited school for which the dog is being raised; and~~

165 (D) Such dog is at least six months of age and is reliably housebroken; and

166 (E) Such dog is wearing a collar, leash, or other appropriate apparel or device that
 167 identifies such dog with the accredited school for which such dog is being raised as
 168 being trained as a service dog.

169 (c) If a person engaged in the raising and training of a service dog does not uphold the
 170 requirements of paragraph (3) of subsection (b), then business and public entities shall have

171 the right to ask the person to remove the service dog in training. In such instance, the staff
 172 of the business or public entity shall offer the person with the disability the opportunity to
 173 obtain goods or services without the animal's presence.

174 (d) Service dogs in training shall have the same rights and protections under the law as
 175 working service dogs.

176 (e) Every totally or partially blind person operating a vending stand shall have the right to
 177 be accompanied by a trained guide service dog on the entire premises of his or her vending
 178 operation."

179 **SECTION 5.**

180 Said chapter is further amended by revising Code Section 30-4-3, relating to right to housing
 181 accommodations, as follows:

182 "30-4-3.

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

188 (b) Every ~~totally or partially blind person, every physically disabled person, and every deaf~~
 189 physically or mentally impaired person who has a ~~guide dog~~ or service dog or who obtains
 190 a ~~guide dog~~ or service dog and every person engaged in the training of a ~~guide dog~~ or
 191 service dog shall be entitled to full and equal access to all housing accommodations
 192 provided for in this Code section, and he or she shall not be required to pay extra
 193 compensation for such ~~guide dog~~ or service dog. However, he or she shall be liable for any
 194 damage done to the premises by such ~~guide dog~~ or service dog.

195 (c) Nothing in this Code section shall require any person renting, leasing, or otherwise
 196 providing real property for compensation to modify his or her property in any way or

197 provide a higher degree of care for a ~~blind, visually disabled, physically disabled, or deaf~~
 198 physically or mentally impaired person than for a person who is not ~~so disabled~~ physically
 199 or mentally impaired."

200

SECTION 6.

201 Said chapter is further amended by revising Code Section 30-4-4, relating to denial of or
 202 interference with admittance to or enjoyment of facilities or exercise of rights, as follows:

203 "30-4-4.

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

212 (b) Any individual who deliberately misrepresents himself or herself as qualified to use
 213 a service dog or train or raise service dogs for the purpose of obtaining accommodations
 214 or securing rights under this chapter shall be guilty of a misdemeanor of a high and
 215 aggravated nature and, upon conviction thereof, shall be punished by a fine not to exceed
 216 \$2,000.00, confinement for not more than 30 days, or both."

217

SECTION 7.

218 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
 219 of the road, is amended by revising Code Section 40-6-94, relating to right of way of blind
 220 pedestrian, as follows:

221 "40-6-94.

222 The driver of every vehicle shall yield the right of way to any blind pedestrian who is
223 carrying a walking cane or stick white in color or white tipped with red or who is
224 accompanied by a ~~guide dog~~ service dog."

225 **SECTION 8.**

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