

TITLE 18  
CRIMES AND PUNISHMENTS  
CHAPTER 58  
PUBLIC HEALTH AND SAFETY

18-5811. ACTION REQUIRED TO AVOID ACCIDENT OR INJURY TO DISABLED PERSON — PROHIBITED INTENTIONAL ACTIONS — PENALTIES.

(1) Any person, whether a pedestrian, operating a vehicle or otherwise, who approaches an individual appearing to be a disabled person or lawfully using an assistance device or assistance dog, and who:

(a) Intentionally fails to stop, change course, speak or take such other action as is necessary to avoid any accident or injury to the disabled person, the assistance device or dog, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or by both.

(b) Intentionally startles or frightens such person's dog, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or by both.

(2) Any person who, without justification, intentionally interferes with the use of an assistance dog or assistance device by obstructing, battering or intimidating the user or the dog, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand five hundred dollars (\$1,500), or by both.

History:

[18-5811, added 1997, ch. 267, sec. 2, p. 764.]

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18-5811A. UNLAWFUL USE OF ASSISTANCE DEVICE OR DOG.

Any person, not being a disabled person or being trained to assist disabled persons, who uses an assistance device or assistance dog in an attempt to gain treatment or benefits as a disabled person, is guilty of a misdemeanor.

History:

[18-5811A, added 1997, ch. 267, sec. 3, p. 765.]

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18-5812. BATTERY TO DISABLED PERSONS AND ASSISTANCE DOGS — PENALTIES.

(1) Any person who:

(a) Permits any animal which is owned, harbored or controlled by him to cause injury to or the death of any assistance dog or dog-in-training, is guilty of a misdemeanor.

(b) Intentionally causes injury to or the death of any assistance dog or dog-in-training is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding five thousand dollars (\$5,000), or by both.

(2) In addition to any other criminal or civil penalties provided for violation of this section, any person convicted under this section, regardless of the form of judgment, shall be ordered to make full restitution to the owner or custodian of such dog for all veterinary bills, replacement and other costs resulting from the injury or death of the dog.

History:

[18-5812, added 1997, ch. 267, sec. 5, p. 765.]

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18-5812A. DISABLED PERSONS MAY BE ACCOMPANIED BY ASSISTANCE DOGS — PENALTY FOR INTENTIONAL VIOLATION.

(1) A disabled person shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, housing for sale or rent, or any other public place within the state of Idaho by reason of his being accompanied by an assistance dog. A disabled person shall be entitled to have an assistance dog with him in such places and while using such facilities without being required to pay any additional charges for his assistance dog, but shall be liable for any damage caused by his assistance dog.

(2) Any person, firm, association or corporation or agent of any person, firm, association or corporation intentionally violating the provisions of this section shall be guilty of a misdemeanor.

History:

[18-5812A, as added by 1972, ch. 336, sec. 1, p. 956; am. 1984, ch. 147, sec. 3, p. 343; am. 1992, ch. 58, sec. 3, p. 169; am. 1997, ch. 267, sec. 6, p. 765.]

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18-5812B. PERSON MAY BE ACCOMPANIED BY AN ASSISTANCE DOG-IN-TRAINING — LIABILITY.

(1) A person shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, or any other public place within the state of Idaho by reason of being accompanied by a dog-in-training. Such dog-in-training shall be properly leashed so that the person may maintain control of the dog.

(2) Access to public places for dogs-in-training may be temporarily denied if the dog is poorly groomed so as to create a health hazard or the person accompanying the dog cannot maintain control of the dog.

(3) The person accompanying the dog-in-training shall be liable for any damages or injuries caused by the dog, and any third party owner, lessor or manager of the public property shall in no way suffer liability for damages or injuries caused by the dog-in-training. If the person accompanying a dog-in-training is a minor, the parents of the child shall be liable.

History:

[18-5812B, added 1983, ch. 75, sec. 1, p. 162; am. 1992, ch. 58, sec. 4, p. 170; am. 1994, ch. 159, sec. 1, p. 360; am. 1997, ch. 267, sec. 7, p. 766.]