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TITLE 56
PUBLIC ASSISTANCE AND WELFARE
CHAPTER 7
RIGHTS OF INDIVIDUALS WITH DISABILITIES

56-701. POLICY OF STATE. It is the policy of this state to encourage and enable individuals with disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

History:

[56-701, added 1969, ch. 69, sec. 1, p. 212; am. 1984, ch. 147, sec. 4, p. 343; am. 2010, ch. 235, sec. 48, p. 588.]

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56-701A. DEFINITIONS. As used in this chapter and Title 56, chapter 7, Idaho Code:

(1) "Assistance device" means a cane or walking stick, predominantly white or metallic in color, with or without red tip, or a manual or motorized wheelchair or similar scooter, or other similar devices that enhance the safety or mobility of a disabled person.

(2) (repeal).

(3) "Disabled person" With respect to an individual with a disability is the definition used by the Americans with Disabilities Act, 1990, 42 U.S.C. sec 1210, et seq. and it's implementing regulations found at 28 CFR Part 35 and 28 CFR Part 36, et seq.

(4) "Dog-in-training" means a dog being specifically trained to develop social, environmental and other skills needed for work or to perform tasks for individuals with disabilities. Dogs-in-training shall wear a jacket, collar, scarf or other similar article identifying it as a dog-in-training.

(5) (repeal).

(6) (repeal).

(7) (repeal)

(8) (repeal)

(9) "Service dog" or "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals.

Dogs who have been trained in personal protection do not qualify as service animals.

(10) (repeal)

(11) "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

(12) "Personal protection" for purposes of this statute means a dog that has been trained to guard, bite or protect on command whether it be sport or for protection. It's beyond the scope of "individually task trained to mitigate the handler's disability." If the dog has been modified by training to bite on command or is temperamentally predisposed to biting a human, it may be legally defined as a dangerous dog under Idaho Code as defined herein.

History:

[56-701A, added 1984, ch. 147, sec. 5, p. 344; am. 1992, ch. 58, sec. 5, p. 170; am. 1994, ch. 159, sec. 2, p. 360; am. 1997, ch. 267, sec. 8, p. 766; am. 2002, ch. 345, sec. 34, p. 977; am. 2010, ch. 235, sec. 49, p. 588; am. 2018, ch. 144, sec. 1, p. 298.]

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56-702. RIGHT TO FULL AND FREE USE OF STREETS, HIGHWAYS, PUBLIC BUILDINGS AND PLACES OF PUBLIC ACCOMMODATIONS.

Individuals with disabilities have the same rights and privileges as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other places of public accommodations as defined herein.

History:

[56-702, added 1969, ch. 69, sec. 2, p. 212; am. 1984, ch. 147, sec. 6, p. 344; am. 2010, ch. 235, sec. 50, p. 589.]

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56-703. RIGHT TO FULL AND EQUAL ACCOMMODATIONS IN ALL COMMON CARRIERS, HOTELS, LODGING HOUSES, PLACES OF PUBLIC ACCOMMODATION OR OTHER PUBLIC PLACES.

Individuals with disabilities are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, and railroad trains, motor buses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodations as defined herein, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

History:

[56-703, added 1969, ch. 69, sec. 3, p. 212; am. 1984, ch. 147, sec. 7, p. 344; am. 2010, ch. 235, sec. 51, p. 589.]

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56-704. RIGHT TO USE OF A SERVICE DOG — LIABILITY. Every individual with a disability shall have the right to be accompanied by a service dog in any of the places listed in section [56-703](#), Idaho Code, without being required to pay an extra charge for the service dog; provided that they shall be liable for any damage done to the premises or facilities by their service dog.

History:

[56-704, added 1969, ch. 69, sec. 4, p. 212; am. 1984, ch. 147, sec. 8, p. 344; am. 1997, ch. 267, sec. 9, p. 767.]

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56-704A. RIGHTS OF PERSONS WITH DOGS-IN-TRAINING — LIABILITY.

1) GENERAL. A place of public accommodation as defined in Section 56-703, Idaho Code shall modify its policies, practices, or procedures to permit the use of a service dog by an individual with a disability or authorized handler.

(2) EXCEPTIONS. A place of public accommodation may ask an individual with a disability to remove a service dog from the premises if –

(a) The service dog is out of control and the service dog's handler does not take effective action to control it; or

(b) The service dog is not housebroken.

(3) If the service dog is properly excluded: If a place of public accommodation properly excludes a service dog under § 56-704(2)(a)(b) it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service dog on the premises.

(4) A service dog shall be under the control of its handler. A service dog shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service dog's safe, effective performance of work or task(s), in which case the service dog must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means).

(5) Inquiries. A place of public accommodation shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal

qualifies as a service dog. A place of public accommodation may ask if the service dog is required because of a disability and what work or task the service dog have been trained to perform. A place of public accommodation shall not require documentation, such as proof that the service dog has been certified, trained, or licensed as a service dog.

Generally, a place of public accommodation may not make these inquiries about a service dog when it is readily apparent that the service dog is trained to do work or perform tasks for individual with a disability (*e.g.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

(6) Access to areas of a public entity. Individuals with disabilities shall be permitted to be accompanied by their service dog in all areas of a place of public accommodation as defined in Section 56-703, Idaho Code, including but not limited to a common carrier, hotel, lodging house, place of public accommodation or other public place, where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

(7) Surcharges. A place of public accommodation as defined in Section 56-703, including but not limited to a common carrier, hotel, lodging house, place of public accommodation or other public place shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a place of public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service dog.

History:

[56-704A, added 1983, ch. 75, sec. 2, p. 162; am. 1992, ch. 58, sec. 6, p. 170; am. 1994, ch. 159, sec. 3, p. 361; am. 1997, ch. 267, sec. 10, p. 768.]

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56-704B. RIGHTS OF PERSONS WITH DOGS-IN-TRAINING — LIABILITY.

1) Every individual with a disability who is specially training or socializing a dog for the purpose of being a service dog shall have the right to be accompanied by the dog in any of the places defined in section [56-703](#), Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become a service dog. The specific reason for the individual with a disability to have the "dog in training" in the place of public accommodation is for training or socialization only and not for any other purpose of the handler. The "dog in training" shall be visually identified as a "dog in training" as stated in section 56-701A(4), Idaho Code. The individual with a disability shall be fully liable for any damages done to the premises or

facilities by the dog and no liability to other persons shall be attached to the owner, lessor or manager of the property, arising out of activities permitted by this chapter.

2) Every person who is not a person with a disability who is specially training or socializing a dog for the purpose of being a service dog shall have the privilege to be accompanied by the dog in any of the places defined in section [56-703](#), Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become a service dog. The person accompanying the dog-in-training shall carry and upon request display an identification card issued by a recognized school for service dogs, training dogs, or organization which serves individuals with disabilities. The "dog in training" shall be visually identified as a "dog in training" as stated in section 56-701A(4), Idaho Code. The training organization as identified on the identification card shall be fully liable for any damages done to the premises or facilities by the dog and no liability to other persons shall be attached to the owner, lessor or manager of the property, arising out of activities permitted by this chapter.

History:

[56-704A, added 1983, ch. 75, sec. 2, p. 162; am. 1992, ch. 58, sec. 6, p. 170; am. 1994, ch. 159, sec. 3, p. 361; am. 1997, ch. 267, sec. 10, p. 768.]

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56-705. CIVIL LIABILITY FOR INTENTIONAL VIOLATION OF STATUTES

PROTECTING DISABLED PERSONS.

Civil action may be brought against any person intentionally violating the provisions of section [18-5811](#), [18-5811A](#), [18-5812](#) or [18-5812A](#), Idaho Code, with judgment awarded upon proof of the elements to a preponderance of the evidence. As a part of any such civil judgment, a successful plaintiff shall be awarded punitive damages in an amount equal to all other damages suffered by the plaintiff, but in no event less than five hundred dollars (\$500). The failure of a disabled person to use an assistance device or service dog shall not be held to constitute nor be evidence of contributory negligence in any civil action.

History:

[56-705, added 1997, ch. 267, sec. 12, p. 768.]

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56-706. INTERFERENCE WITH RIGHTS OR ACTIVITIES — PENALTY.

Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities or places of public accommodations enumerated in this chapter or otherwise interferes with the rights of an individual with a disability under this chapter shall be guilty of a misdemeanor.

History:

[56-706, added 1969, ch. 69, sec. 6, p. 212; am. 1984, ch. 147, sec. 10, p. 345.]

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56-707. RIGHT TO BE EMPLOYED IN EMPLOYMENT SUPPORTED IN WHOLE OR IN PART BY PUBLIC FUNDS — RESTRICTION — USE OF SICK LEAVE.

(1) Individuals with disabilities shall be employed in the state service, the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the general public, unless it is shown that the particular disability prevents the performance of the work involved.

(2) Persons employed as provided in subsection (1) of this section, may use accrued sick leave for the purpose of obtaining service dogs and necessary training.

History:

[56-707, added 1969, ch. 69, sec. 7, p. 212; am. 1984, ch. 147, sec. 11, p. 345; am. 2010, ch. 235, sec. 52, p. 589.]

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CRIMES AND PUNISHMENTS
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PUBLIC HEALTH AND SAFETY

18-5811. ACTION REQUIRED TO AVOID ACCIDENT OR INJURY TO
INDIVIDUALS WITH DISABILITIES — PROHIBITED INTENTIONAL ACTIONS
— PENALTIES.

(1) Any person, whether a pedestrian, operating a vehicle or otherwise, who approaches an individual appearing to be an individual with a disability or lawfully using an assistance device or service 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 individual with a disability, the assistance device or service 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 service 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 a service dog or assistance device by obstructing, battering or intimidating the user or the service 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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PUBLIC HEALTH AND SAFETY

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

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

History:

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

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18-5812. BATTERY TO INDIVIDUALS WITH DISABILITIES AND SERVICE 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 service dog or dog-in-training, is guilty of a misdemeanor.

(b) Intentionally causes injury to or the death of any service 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 service dog or dog-in training.

History:

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

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18-5812A. INDIVIDUALS WITH DISABILITIES MAY BE ACCOMPANIED BY SERVICE DOGS — PENALTY FOR INTENTIONAL VIOLATION.

(1) An individual with a disability 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, any public place or any place of public accommodation within the state of Idaho by reason of their being accompanied by a service dog. An individual with a

disability shall be entitled to have a service dog with them in such places and while using such facilities without being required to pay any additional charges for their service dog, but shall be liable for any damage caused by their service 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 A SERVICE DOG-IN-TRAINING — LIABILITY.

(1) A person who is not a person with a disability shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, any public place or any place of public accommodation 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 places of public accommodation 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 place of public accommodation shall in no way suffer liability for damages or injuries caused by the dog-in-training. If the person accompanying the dog-in-training is a minor, the parents of the minor 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.]

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