

## CHAPTER 94

## (SB 4)

AN ACT relating to assistance dogs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 189.575 is amended to read as follows:

The operator of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by ***an assistance***~~[a guide]~~ dog.

Section 2. KRS 258.500 is amended to read as follows:

- (1) ***As used in subsections (1) to (11) of this section, "person" means a "person with a disability" as defined by KRS 210.770. "Person" also includes a trainer of an assistance dog.***
- (2) ***If***~~[When]~~ a ~~[blind]~~ person is accompanied by ***an assistance***~~[a guide]~~ dog, neither the ~~[blind]~~ person nor the dog shall be denied admittance to any hotel, motel, restaurant, or eating establishment, nor shall the ~~[blind]~~ person be denied full and equal accommodations, facilities, and privileges of all public places of amusement, theater, or resort when accompanied by ***an assistance***~~[a guide]~~ dog.
- (3)~~[(2)]~~ Any ~~[blind]~~ person accompanied by ***an assistance***~~[a guide]~~ dog shall be entitled to full and equal accommodations on all public transportation, if the ~~[guide]~~ dog ***does***~~[shall]~~ not occupy a seat in any public conveyance, nor endanger the public safety.
- (4)~~[(3)]~~ ***No***~~[The blind]~~ person shall ~~[not]~~ be required to pay additional charges or fare for the transportation of any accompanying ***assistance***~~[guide]~~ dog.
- (5)~~[(4)]~~ ***No***~~[Any blind]~~ person accompanied by ***an assistance***~~[a guide]~~ dog shall ~~[not]~~ be denied admittance and use of any public building, nor denied the use of any elevator operated for public use.
- (6)~~[(5)]~~ Any ~~[blind]~~ person accompanied by ***an assistance***~~[a guide]~~ dog may keep the ***dog***~~[animal]~~ in his~~[or her]~~ immediate custody while a tenant in any apartment, or building used as a public lodging.
- (7)~~[(6)]~~ The provisions of this section shall not apply unless the ***assistance***~~[guide]~~ dog has been trained ***or is being trained*** by a recognized training agency or school, and is properly harnessed.
- (8)~~[(7)]~~ (a) ***Except as provided in paragraph (b) of this subsection, all***~~[blind]~~ persons accompanied by ***an assistance***~~[a trained guide]~~ dog shall have in their personal possession a certificate issued by the ***assistance***~~[guide]~~ dog training agency or school establishing that their dogs have been so trained.  
  
(b) ***All trainers accompanied by an assistance dog shall have in their personal possession identification verifying that they are trainers of assistance dogs.***
- (9)~~[(8)]~~ The provisions of this section shall not apply unless the ***person***~~[blind master]~~ complies with the legal limitations applicable to ***nondisabled***~~[sighted]~~ persons and unless all requirements of KRS 258.015, 258.135 and 258.145 have been complied with.

~~[(9) The provisions of this section shall also apply to any deaf person accompanied by a dog trained to aid the deaf. As used in this section, "deaf person" means a person described in KRS 30A.410(1)(a).]~~

~~(10) [The provisions of this section shall also apply to any mobility impaired person accompanied by a dog trained to provide support or assistance for a mobility impaired person. As used in this section, "mobility impaired person" means any person, regardless of age, who is subject to a physiological defect or deficiency, regardless of its cause, nature or extent, that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or to perform any related function.]~~

~~(11) No person, firm, or corporation, or agent thereof, shall willfully or maliciously interfere with a guide dog or guide dog user.~~

~~(12) Assistance~~[Guide] dogs are exempt from all state and local licensing fees.

~~(11)~~~~(13)~~ Licensing authorities shall accept that the dog for which the license is sought is *an assistance*~~[a guide]~~ dog~~[,]~~ when a copy of the certificate, as required under subsection ~~(8)~~~~(7)~~ of this section, is attached to the~~[animal]~~ licensing form.

**(12) No person shall willfully or maliciously interfere with an assistance dog or the dog's user.**

Section 3. KRS 258.991 is amended to read as follows:

Any person~~[, firm, or corporation, or agent thereof,]~~ violating **subsection (2), (3), (4), (5), (6), or (12) of Section 2 of this Act**~~[KRS 258.500]~~ shall be punished by a fine of not less than two hundred and fifty dollars (\$250), nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than 10 nor more than 30 days, or both. **No person shall be charged with a violation of subsection (2), (3), (4), (5), (6), or (12) of Section 2 of this Act if the requirements of subsection (8) of Section 2 of this Act are not met.**

Section 4. KRS 525.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Desecrate" means defacing, damaging, polluting or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of persons likely to observe or discover his action.
- (2) "Public" means affecting or likely to affect a substantial group of persons.
- (3) "Public place" means a place to which the public or a substantial group of persons has access and includes but is not limited to highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.
- (4) "Transportation facility" means any conveyance, premises, or place used for or in connection with public passenger transportation by air, railroad, motor vehicle, or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad, and bus terminals and stations and all appurtenances thereto.
- (5) "Riot" means a public disturbance involving an assemblage of five (5) or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to

property or persons or substantially obstructs law enforcement or other government function.

- (6) "Service animal" includes a:
- (a) "Bomb detection dog," which means a dog that is trained to locate bombs or explosives by scent;
  - (b) "Narcotic detection dog," which means a dog that is trained to locate narcotics by scent;
  - (c) "Patrol dog," which means a dog that is trained to protect a peace officer and to apprehend a person;
  - (d) "Tracking dog," which means a dog that is trained to track and find a missing person, escaped inmate, or fleeing felon;
  - (e) "Search and rescue dog," which means a dog that is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies;
  - (f) "Accelerant detection dog," which means a dog that is trained for accelerant detection, commonly referred to as arson canines;
  - (g) "Cadaver dog," which means a dog that is trained to find human remains;
  - (h) "~~Assistance~~[Guide] dog," which means any dog that is trained to meet the requirements of KRS 258.500;
  - (i) Any dog that is trained in more than one (1) of the disciplines specified in paragraphs (a) to (h) of this subsection; or
  - (j) "Police horse," which means any horse that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in detection of criminal activity, enforcement of laws, and apprehension of offenders.

**Approved March 28, 2002**