

CHAPTER 278

H.B. No. 2086

An Act relating to support dogs for the handicapped; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 121.002(2), Human Resources Code, is amended to read as follows:

(2) "Support [~~"Dog guide"~~ or "~~hearing ear~~ dog" means a dog that is specially trained or equipped to help a handicapped person, and that:

(A) [~~is fitted with a special harness so as to be suitable as an aid to the mobility of a blind person or is specially trained in sensory cues to aid the auditory awareness of a deaf person;~~

~~[(B)] is used by a handicapped [blind] person who has satisfactorily completed a specific course of training in the use of the [a] dog [as an aid to personal travel or is used by a deaf person who has satisfactorily completed a specific course of training in the use of a dog as a communication aid]; and~~

~~(B) [(C)] has been trained by an organization generally recognized by agencies involved in the rehabilitation of the handicapped [blind or deaf] as reputable and competent to provide dogs with training of this type.~~

SECTION 2. Sections 121.003(b), (c), (d), and (j), Human Resources Code, are amended to read as follows:

(b) No common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person who is physically handicapped solely because of the person's handicap, nor may a handicapped person be required to pay an additional fare because of his or her use of a support dog [guide], wheelchair, crutches, or other device used to assist the handicapped person in travel.

(c) No person who is physically handicapped may be denied admittance to any public facility in the state because of the handicapped person's use of a white cane, support dog [guide], wheelchair, crutches, or other device of assistance in mobility, or because the person is handicapped.

(d) The discrimination prohibited by this section includes discrimination through an open and obvious refusal to allow a handicapped person to use or be admitted to any public facility, as well as discrimination based on a ruse or subterfuge calculated to prevent or discourage a handicapped person from using or being admitted to a public facility. Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by handicapped persons who, except for their handicaps or use of support dogs [dog guides] or other devices for assistance in travel, would fall within the designated class. Lists containing the names of persons who desire to use particular public facilities may not be composed or manipulated so as to deny a handicapped person a fair and equal opportunity to use or be admitted to any public facility.

(j) A totally or partially handicapped [blind] person who has or obtains a support dog [guide or a deaf person who has or obtains a hearing ear dog] is entitled to full and equal access to all housing accommodations provided for in this section, and may not be required to pay extra compensation for the dog but is liable for damages done to the premises by the dog.

SECTION 3. Sections 121.005(a) and (b), Human Resources Code, are amended to read as follows:

(a) A blind, ~~or~~ deaf, or otherwise handicapped person who uses a support dog ~~[guide or a hearing ear dog]~~ for assistance in travel is liable for any damages done to the premises or facilities by the dog.

(b) A blind, ~~or~~ deaf, or otherwise handicapped person who uses a support dog ~~[guide or a hearing ear dog]~~ for assistance in travel or auditory awareness shall keep the dog properly harnessed or leashed, and a person who is injured by the dog because of a blind, ~~or~~ deaf, or otherwise handicapped person's failure to properly harness or leash the dog is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals.

SECTION 4. Section 121.006, Human Resources Code, is amended to read as follows:

Sec. 121.006. **PENALTIES FOR IMPROPER USE OF SUPPORT DOGS [DOG GUIDES].** (a) A person who fits a dog with a harness or leash of the type commonly used by blind, ~~or~~ deaf, or otherwise handicapped persons who use trained dogs for purposes of travel or auditory awareness, in order to represent that his or her dog is a specially trained support dog ~~[guide]~~ when training of the type described in Section 121.002(2)(B) ~~[121.002(2)(C)]~~ of this chapter has not in fact been provided, is guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$200.

(b) A person who habitually abuses or neglects to feed or otherwise neglects to properly care for his or her support dog ~~[guide]~~ is not entitled to the benefits of this chapter available to those who use support dogs ~~[dog guides]~~, and must surrender the support dog ~~[guide]~~ on demand to the person or organization furnishing the dog or to other competent authorities.

SECTION 5. Sections 121.007(b) and (c), Human Resources Code, are amended to read as follows:

(b) The driver of a vehicle approaching an intersection or crosswalk where a pedestrian guided by a support ~~[guide]~~ dog or carrying a white cane is crossing or attempting to cross shall take necessary precautions to avoid injuring or endangering the pedestrian. The driver shall bring the vehicle to a full stop if injury or danger can be avoided only by that action.

(c) The failure of a totally or partially blind or otherwise incapacitated person to carry a white cane or be guided or aided by a support ~~[guide]~~ dog does not deprive the person of the rights and privileges conferred by law on pedestrians crossing streets or highways and does not constitute evidence of contributory negligence.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 18, 1985, by the following vote: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 5, 1985

Effective: Immediately