

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 107

AN ACT

To repeal section 209.204, RSMo, and to enact in lieu thereof one new section relating to service dogs, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 209.204, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.204, to read as follows:

209.204. 1. Any person who knowingly impersonates a person with a disability for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such impersonation. Any second or subsequent violation of this section is a class B misdemeanor. For purposes of this section, "impersonates a person with a disability" means a representation by word or action as a person with a disability [or a representation of a dog by word or action as a service dog].

2. No person shall knowingly misrepresent a dog as a service dog for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section,

"misrepresent a dog as a service dog" means a representation by word or action that a dog has been trained as a service dog as defined in section 209.200. Misrepresentation of a service dog includes, but is not limited to:

(1) Knowingly creating documents that falsely represent that a dog is a service dog;

(2) Knowingly providing to another person documents falsely stating that a dog is a service dog;

(3) Knowingly fitting a dog, when the dog is not a service dog, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate a dog is a service dog; and

(4) Knowingly misrepresenting that a dog is a service dog when the dog has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

3. No person shall knowingly misrepresent any animal as an assistance animal for the purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et seq. For purposes of this section, the term "assistance animal" shall include an emotional support animal. A

person requesting accommodations regarding assistance animals under the Fair Housing Act or the Rehabilitation Act shall present a verifiable document signed by a health care professional or mental health professional stating that the person needs the services of an assistance animal and the animal is specifically identified in the document. The document shall contain the contact information of the signatory for verification purposes. Misrepresentation of an assistance animal includes, but is not limited to:

(1) Knowingly creating documents that falsely represent that an animal is an assistance animal;

(2) Knowingly providing to another person documents falsely stating that an animal is an assistance animal; and

(3) Knowingly fitting an animal, when the animal is not an assistance animal, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate an animal is an assistance animal.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

4. The Missouri commission on human rights, as established under section 213.020, shall use its existing complaint hotline to receive reports of individuals impersonating a person with a disability, misrepresenting a dog as a service dog, or misrepresenting an animal as an assistance animal. The

commission shall refer an alleged violation of this act to the appropriate law enforcement agency for investigation.

5. The governor's council on disability shall prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law and a brochure detailing permissible questions a business owner may ask in order to determine whether a dog is a service dog, proper answers to those questions, and guidelines defining unacceptable behavior.

6. The governor's council on disability shall prepare and make available online a brochure for landlords and tenants regarding laws relating to service dogs and assistance animals and housing under federal and Missouri law.