

FIRST REGULAR SESSION

SENATE BILL NO. 107

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0311S.011

AN ACT

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

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Section A. Section 209.204, RSMo, is repealed and one new section
2 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
2 disability for the purpose of receiving the accommodations regarding service dogs
3 under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is
4 guilty of a class C misdemeanor and shall also be civilly liable for the amount of
5 any actual damages resulting from such impersonation. Any second or
6 subsequent violation of this section is a class B misdemeanor. For purposes of
7 this section, "impersonates a person with a disability" means a representation by
8 word or action as a person with a disability [or a representation of a dog by word
9 or action as a service dog].

10 2. No person shall knowingly misrepresent a dog as a service dog
11 for the purpose of receiving the accommodations regarding service
12 dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101,
13 et seq. For purposes of this section, "misrepresent a dog as a service
14 dog" means a representation by word or action that a dog has been
15 trained as a service dog as defined in section 209.200. Misrepresentation
16 of a service dog includes, but is not limited to:

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

19 (2) Knowingly providing to another person documents falsely

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 stating that a dog is a service dog;

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

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

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

31 3. No person shall knowingly misrepresent any animal as an
32 assistance animal for the purpose of receiving the accommodations
33 regarding assistance animals under the Fair Housing Act, 42 U.S.C.
34 Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et
35 seq. For purposes of this section the term "assistance animal" shall
36 include an emotional support animal. Misrepresentation of an
37 assistance animal includes, but is not limited to:

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

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

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

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

50 4. The Missouri commission on human rights, as established
51 under section 213.020, shall use its existing complaint hotline to receive
52 reports of individuals impersonating a person with a disability,
53 misrepresenting a dog as a service dog, or misrepresenting an animal
54 as an assistance animal. The commission shall refer an alleged
55 violation of this act to the appropriate law enforcement agency for
56 investigation.

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

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

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Bill

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