

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR

HOUSE BILL NO. 116

93RD GENERAL ASSEMBLY

0455S.03T

2005

AN ACT

To amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with dogs, with penalty provisions and an emergency clause for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 209, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 209.200, 209.202, 209.204, to read as follows:

209.200. 1. As used in sections 209.200 to 209.204, the following terms shall mean:

2 (1) "Disability", as defined in section 213.010, RSMo;

3 (2) "Service dog", a dog that is being or has been specially trained to do work or
4 perform tasks which benefit a particular person with a disability. Service dog includes:

5 (a) "Guide dog", a dog that is being or has been specially trained to assist a
6 particular blind or visually impaired person;

7 (b) "Hearing dog", a dog that is being or has been specially trained to assist a
8 particular deaf or hearing-impaired person;

9 (c) "Medical alert or respond dog", a dog that is being or has been trained to alert
10 a person with a disability that a particular medical event is about to occur or to respond
11 to a medical event that has occurred;

12 (d) "Mobility dog", a dog that is being or has been specially trained to assist a
13 person with a disability caused by physical impairments.

**209.202. 1. Any person who knowingly, intentionally, or recklessly causes
2 substantial physical injury to or the death of a service dog is guilty of a class A**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 misdemeanor. The provisions of this subsection shall not apply to the destruction of a
4 service dog for humane purposes.

5 2. Any person who knowingly or intentionally fails to exercise sufficient control
6 over an animal such person owns, keeps, harbors, or exercises control over to prevent the
7 animal from causing the substantial physical injury to or death of a service dog, or the
8 subsequent inability to function as a service dog as a result of the animal's attacking,
9 chasing, or harassing the service dog is guilty of a class A misdemeanor.

10 3. Any person who harasses or chases a dog known to such person to be a service
11 dog is guilty of a class B misdemeanor.

12 4. Any person who owns, keeps, harbors, or exercises control over an animal and
13 who knowingly or intentionally fails to exercise sufficient control over the animal to
14 prevent such animal from chasing or harassing a service dog while such dog is carrying out
15 the dog's function as a service dog, to the extent that the animal temporarily interferes with
16 the service dog's ability to carry out the dog's function is guilty of a class B misdemeanor.

17 5. An owner of a service dog or a person with a disability who uses a service dog
18 may file a cause of action to recover civil damages against any person who:

19 (1) Violates the provisions of subsection 1 or 2 of this section; or

20 (2) Steals a service dog resulting in the loss of the services of the service dog.

21 6. Any civil damages awarded under subsection 5 of this section shall be based on
22 the following:

23 (1) The replacement value of an equally trained service dog, without any
24 differentiation for the age or experience of the service dog;

25 (2) The cost and expenses incurred by the owner of a service dog or the person with
26 a disability who used the service dog, including:

27 (a) The cost of temporary replacement services, whether provided by another
28 service dog or by a person;

29 (b) The reasonable costs incurred in efforts to recover a stolen service dog; and

30 (c) Court costs and attorney's fees incurred in bringing a civil action under
31 subsection 5 of this section.

32 7. An owner of a service dog or a person with a disability who uses a service dog
33 may file a cause of action to recover civil damages against a person who:

34 (1) Violates the provisions of subsections 1 to 4 of this section resulting in injury
35 from which the service dog recovers to an extent that the dog is able to function as a service
36 dog for the person with a disability; or

37 (2) Steals a service dog and the service dog is recovered resulting in the service dog
38 being able to function as a service dog for the person with a disability.

39 **8. Any civil damages awarded under subsection 7 of this section shall be based on**
40 **the following:**

41 **(1) Veterinary medical expenses;**

42 **(2) Retraining expenses;**

43 **(3) The cost of temporary replacement services, whether provided by another**
44 **service dog or by a person;**

45 **(4) Reasonable costs incurred in the recovery of the service dog; and**

46 **(5) Court costs and attorney's fees incurred in bringing the civil action under**
47 **subsection 7 of this section.**

48 **9. The provisions of this section shall not apply if a person with a disability, an**
49 **owner, or a person having custody or supervision of a service dog commits criminal or civil**
50 **trespass.**

51 **10. Nothing in this section shall be construed to preclude any other remedies**
52 **available at law.**

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

 Section B. Because immediate action is necessary to protect the rights of disabled
2 persons the enactment of sections 209.200 to 209.204 of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the enactment of sections
5 209.200 to 209.204 of this act shall be in full force and effect upon its passage and approval.