

FIRST REGULAR SESSION

HOUSE BILL NO. 548

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRASER (Sponsor), YOUNG, CHAPPELLE-NADAL, MOORE,
CUNNINGHAM (86) AND BAKER (25) (Co-sponsors).

Read 1st time February 15, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1488L.011

AN ACT

To amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with service animals, with penalty provisions.

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, and 209.204, to read as follows:

209.200. 1. As used in sections 209.200 to 209.206, the following terms shall mean:

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

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

6 **(a) "Guide animal", an animal that is being or has been specially trained to assist**
7 **a particular blind or visually impaired person;**

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

10 **(c) "Medical alert/respond animal", an animal that is being or has been trained to**
11 **alert a person with a disability that a particular medical event is about to occur and/or to**
12 **respond to a medical event that has occurred;**

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

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.

209.202. 1. Any person who knowingly, intentionally, or recklessly causes
2 substantial physical injury to or the death of a service animal is guilty of a class A
3 misdemeanor. The provisions of this subsection shall not apply to the destruction of a
4 service animal for humane purposes.

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

11 3. Any person who harasses or chases a service animal is guilty of a class B
12 misdemeanor.

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

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

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

22 (2) Steals a service animal resulting in the loss of the services of the service animal.

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

25 (1) The replacement value of an equally trained service animal, without any
26 differentiation for the age or experience of the service animal;

27 (2) The cost and expenses incurred by the owner of a service animal or the person
28 with a disability who used the service animal, including:

29 (a) The cost of temporary replacement services, whether provided by another
30 service animal or by a person;

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

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

34 7. An owner of a service animal or a person with a disability who uses a service
35 animal may file a cause of action to recover civil damages against a person who:

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

39 (2) Steals a service animal and the service animal is recovered resulting in the
40 service animal being able to function as a service animal for the person with a disability.

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

43 (1) Veterinary medical expenses;

44 (2) Retraining expenses;

45 (3) The cost of temporary replacement services, whether provided by another
46 service animal or by a person;

47 (4) Reasonable costs incurred in the recovery of the service animal; and

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

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

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

209.204. Any person who intentionally impersonates a person with a disability is
2 **guilty of a class B misdemeanor and shall also be civilly liable for the amount of any actual**
3 **damages resulting from such impersonation. For purposes of this section, "impersonates**
4 **a person with a disability" means a representation by word or action as a person with a**
5 **disability or a representation of a animal by word or action as a service animal.**