

HOUSE BILL NO. 364

INTRODUCED BY D. LOGE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING SERVICE ANIMALS; ALLOWING FOR CERTAIN QUESTIONS TO BE ASKED OF A PERSON WHO REPRESENTS THAT THE PERSON HAS A DISABILITY AND IS ACCOMPANIED BY A SERVICE DOG; REQUIRING THAT THE DOG BE UNDER THE HANDLER'S CONTROL; REQUIRING CERTAIN POSTING PROVISIONS; CREATING THE OFFENSE OF FRAUDULENT REPRESENTATION OF A SERVICE DOG; PROVIDING PENALTIES; AND AMENDING SECTION 49-4-214, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-4-214, MCA, is amended to read:

"49-4-214. Right to be accompanied by service animal -- identification for service animals in training. (1) A person with a disability has the right to be accompanied by a service animal or a service animal in training with identification complying with subsection (4) in any of the places mentioned in 49-4-211(2) without being charged extra for the service animal. The person with a disability is liable for any damage done to the property by the animal.

(2) A person with a disability who has a service animal or who obtains a service animal is entitled to full and equal access to all housing accommodations as provided in 49-2-305 and 49-4-212. The person with a disability may not be required to pay extra compensation for the service animal but is liable for any damage done to the premises by the service animal.

(3) A person who is training a service animal is entitled to the same rights and assumes the same responsibilities granted to a person with a disability in this section.

(4) For the purposes of this section, a service animal in training that is a dog shall wear a leash, collar, cape, harness, or backpack that identifies in writing that the dog is a service animal in training. Other service animals in training must also be identifiable by written identification as a service animal in training. The written identification for service animals in training must be visible and legible from a distance of at least 20 feet.

(5) If a person who has a service animal that is a dog represents that the person has a disability for which the dog provides assistance and the person wishes to access the places and accommodations mentioned in



1 49-4-211 accompanied by the dog in its capacity as a service animal:

2 (a) the person may be asked:

3 (i) whether the dog is a service animal that is required because of a disability; and

4 (ii) to describe the work or task the dog is trained to perform; and

5 (b) the dog must be under the handler's control as required under 28 CFR 35.136.

6 (6) A notice posted at a place or accommodation mentioned in 49-4-211 that dogs or other animals are
7 prohibited on the premises must also indicate that a person may be accompanied by a service animal subject
8 to the provisions of this section and [section 2]."

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10 **NEW SECTION. Section 2. Fraudulent representation of service dog -- penalty.** (1) A person who
11 knowingly and willfully represents that a dog is a service animal by fitting the dog with a leash, collar, cape,
12 harness, backpack, or sign that identifies the dog as a service animal, by using an identification card commonly
13 used by a person with a disability, or by claiming verbally or in writing that the dog is a service dog in order to
14 fraudulently access the places and accommodations mentioned in 49-4-211 with the dog is guilty of a
15 misdemeanor and upon conviction shall be punished by a fine of not less than \$50 and not more than \$500.

16 (2) In addition to the penalty provided in subsection (1), a person convicted of the offense of fraudulent
17 representation of a service dog under subsection (1) may be required to perform community service for an
18 organization that advocates on behalf of persons with disabilities.

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20 **NEW SECTION. Section 3. Codification instruction.** [Section 2] is intended to be codified as an
21 integral part of Title 49, chapter 4, part 2, and the provisions of Title 49, chapter 4, part 2, apply to [section 2].

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