
By: Delegate Rudolph

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 Disabled Persons - Service Dog Trainers - Public Accommodations

3 FOR the purpose of providing that service dog trainers accompanied by a dog that is
4 being trained as a service dog have the same right of access, subject to certain
5 conditions, in certain public conveyances, places of public accommodation, and
6 housing accommodations as is given to blind or visually handicapped, deaf or
7 hearing impaired, or mobility impaired persons; prohibiting certain extra charges
8 for service dog trainers and their dogs; providing that certain service dog trainer
9 organizations may be liable for personal injuries or damages to premises under
10 certain circumstances; establishing certain penalties for violations; requiring service
11 dogs or service dog trainers accompanied by a dog that is being trained to display
12 certain identification; changing references from "guide dog" to "service dog";
13 making stylistic corrections; and generally relating to service dog trainers and dogs
14 being trained as service dogs.

15 BY repealing and reenacting, without amendments,
16 Article 30 - Deaf, Mute or Blind
17 Section 33(c) and (g)
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 30 - Deaf, Mute or Blind
22 Section 33(d), (f), (i), (j), and (k)
23 Annotated Code of Maryland
24 (1993 Replacement Volume and 1996 Supplement)

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 30 - Deaf, Mute or Blind**

4 33.

5 (c) The blind or the visually handicapped and the deaf or hearing impaired have
6 the same right as the persons not so handicapped to the full and free use of the streets,
7 highways, sidewalks, walkways, public buildings, public facilities, and other public places.

8 (d) (1) The blind or the visually handicapped and the deaf or hearing impaired
9 are entitled to full and equal accommodations, advantages, facilities, and privileges of all
10 common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats
11 or other public conveyances or modes of transportation, hotels, lodging places, places of
12 public accommodations, amusement, or resort, or other places to which the general public
13 is invited, subject only to the conditions and limitations established by law and applicable
14 to all persons.

15 (2) A blind or visually handicapped pedestrian using a [guide] SERVICE
16 dog and not carrying a cane predominantly white or metallic in color (with or without a
17 red tip); or a deaf or hearing impaired pedestrian using a [guide] SERVICE dog not
18 wearing an orange license tag or orange collar and on a leash; or a blind or visually
19 handicapped pedestrian or a deaf or hearing impaired pedestrian using a [guide]
20 SERVICE dog in any of the places, accommodations or conveyances listed in paragraph
21 (1) of this ~~subsection~~, SUBSECTION; OR A SERVICE DOG TRAINER ACCOMPANIED BY A
22 DOG THAT IS BEING TRAINED AS A SERVICE DOG DISPLAYING THE IDENTIFICATION
23 REQUIRED BY SUBSECTION (L) OF THIS SECTION, has all the rights and privileges
24 conferred by law upon any other person.

25 (3) The failure of a blind or visually handicapped pedestrian to carry a cane
26 predominantly white or metallic in color (with or without a red tip) or a deaf or hearing
27 impaired pedestrian to use a [guide] SERVICE dog wearing an orange license tag, orange
28 collar and on a leash, or to use a [guide] SERVICE dog in any of the places,
29 accommodations, or conveyances listed in paragraph (1) of this subsection shall not be
30 held to constitute contributory negligence per se.

31 (f) Every blind or visually handicapped person or deaf or hearing impaired
32 person has the right to be accompanied by a [guide] SERVICE dog, especially trained for
33 the purpose, in any of the places listed in paragraph (1) of subsection (d) of this section,
34 without being required to pay an extra charge for the [guide] SERVICE dog; however,
35 [he] THE PERSON is liable for any damage done to the premises or facilities by [his]
36 THE SERVICE dog.

37 (g) (1) Any person or persons, firm, or corporation, or the agent of any person
38 or persons, firm, or corporation, who denies or interferes with admittance to or
39 enjoyment of the public facilities enumerated in this section, or otherwise interferes with
40 the rights of a blind or visually handicapped person or a deaf or hearing impaired person
41 under this section, is guilty of a misdemeanor and subject upon conviction to a fine not
42 exceeding \$500 for each offense.

1 (2) In addition to any other remedy provided under this Code for a violation
2 of this article, any individual, firm, or corporation, or the agent of any individual, firm, or
3 corporation, who denies or interferes with admittance to or enjoyment of the public
4 facilities enumerated in this section, or otherwise interferes with the rights of a blind or
5 visually handicapped person or a deaf or hearing impaired person under this section, may
6 be subject to a civil action for injunctive relief.

7 (i) (1) Blind or visually handicapped persons shall be entitled to full and equal
8 access, as other members of the general public, to all housing accommodations offered for
9 rent, lease, or compensation in the State of Maryland, subject to the conditions and
10 limitations established by law, or State or federal regulations, and applicable to all
11 persons alike.

12 (2) "Housing accommodations" means any real property, or portion thereof,
13 which is used or occupied or is intended, arranged, or designed to be used or occupied, as
14 the home, residence, or sleeping place of one or more human beings, but does not include
15 any accommodations, included within paragraph (1) of this subsection, or any single
16 family residence, the occupants of which rent, lease, or furnish for compensation not
17 more than one room therein.

18 (3) Nothing in this section requires any person renting or leasing housing
19 accommodations to modify his property in any way or provide a higher degree of care for
20 a blind person or visually handicapped person, than for a person who is not blind or
21 visually handicapped.

22 (4) Every blind or visually handicapped person or deaf or hearing impaired
23 person who has a [guide] SERVICE dog, or who obtains a [guide] SERVICE dog, or who
24 may wish to obtain a [guide] SERVICE dog, is entitled to full and equal access to all
25 housing accommodations provided for in this section. Blind or visually handicapped
26 persons or deaf or hearing impaired persons shall not be required to pay extra
27 compensation for [guide] SERVICE dogs, [provided he] HOWEVER THE PERSON may
28 be liable for any damages done to the premises or facilities by [his] THE SERVICE dog.

29 (j) (1) In this section, "mobility impaired person" means a person who is unable
30 to carry objects or to move or travel about without the use of an assistive device or
31 [guide] SERVICE dog.

32 (2) (i) A mobility impaired person may be accompanied by a [guide]
33 SERVICE dog especially trained for the purpose in any place where a blind or visually
34 handicapped or deaf or hearing impaired person has the right to be accompanied by a
35 [guide] SERVICE dog.

36 (ii) A mobility impaired person accompanied by a [guide] SERVICE
37 dog as described under this subsection may not be required to pay extra compensation for
38 the [guide] SERVICE dog, [provided] HOWEVER the mobility impaired person may be
39 liable for any damages to the premises or facilities caused by the [guide] SERVICE dog.

40 (3) This section does not require any physical modification of any place or
41 vehicle in order to admit a mobility impaired person accompanied by a [guide] SERVICE
42 dog.

4

1 (4) Any person who denies or interferes with the admittance of a [guide]
2 SERVICE dog accompanying a mobility impaired person is subject to the same penalties as
3 provided in subsection (g) of this section for the denial or interference with the
4 admittance of a [guide] SERVICE dog accompanying a blind or visually handicapped or
5 deaf or hearing impaired person.

6 (k) (1) IN THIS SUBSECTION, "SERVICE DOG TRAINER" MEANS A PERSON
7 WHO TRAINS SERVICE DOGS FOR BLIND OR VISUALLY HANDICAPPED PERSONS,
8 DEAF OR HEARING IMPAIRED PERSONS, OR MOBILITY IMPAIRED PERSONS.

9 (2) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
10 A SERVICE DOG TRAINER MAY BE ACCOMPANIED BY A DOG THAT IS BEING
11 TRAINED AS A SERVICE DOG IN ANY PLACE WHERE A BLIND OR VISUALLY
12 HANDICAPPED, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON HAS
13 THE RIGHT TO BE ACCOMPANIED BY A SERVICE DOG.

14 (II) A SERVICE DOG TRAINER ACCOMPANIED BY A DOG THAT IS
15 BEING TRAINED AS A SERVICE DOG MAY NOT BE REQUIRED TO PAY EXTRA
16 COMPENSATION FOR THE SERVICE DOG; HOWEVER, THE SERVICE DOG TRAINER
17 ORGANIZATION THAT CERTIFIES THE SERVICE DOG MAY BE LIABLE FOR ANY
18 PERSONAL INJURIES OR DAMAGES TO THE PREMISES OR FACILITIES CAUSED BY
19 THE SERVICE DOG.

20 (3) A DOG BEING TRAINED AS A SERVICE DOG ACCOMPANIED BY A
21 SERVICE DOG TRAINER MAY BE EXCLUDED FROM ANY OF THE PLACES DESCRIBED
22 IN THIS SECTION IF THE ADMISSION OF THE DOG WOULD CREATE A CLEAR DANGER
23 OF A DISTURBANCE OR PHYSICAL HARM TO A PERSON IN THE ESTABLISHMENT.

24 ~~(3) (4) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ANY~~
25 ~~PERSON WHO DENIES OR INTERFERES WITH THE ADMITTANCE OF A DOG BEING~~
26 ~~TRAINED AS A SERVICE DOG ACCOMPANIED BY A SERVICE DOG TRAINER IS~~
27 ~~SUBJECT TO THE SAME PENALTIES PROVIDED IN SUBSECTION (G) OF THIS SECTION~~
28 ~~FOR THE DENIAL OR INTERFERENCE WITH THE ADMITTANCE OF A SERVICE DOG~~
29 ~~ACCOMPANYING A BLIND OR VISUALLY HANDICAPPED OR DEAF OR HEARING~~
30 ~~IMPAIRED PERSON A FINE NOT TO EXCEED \$25 FOR EACH OFFENSE.~~

31 (L) A blind or visually handicapped or deaf or hearing impaired or mobility
32 impaired person accompanied by a [guide] SERVICE dog OR SERVICE DOG TRAINER
33 ACCOMPANIED BY A DOG THAT IS BEING TRAINED AS A SERVICE DOG ~~may be~~
34 ~~required to~~ SHALL display identification ~~demonstrating that the dog has been licensed as~~
35 ~~a [guide] SERVICE dog OR A DOG BEING TRAINED AS A SERVICE DOG in its state of~~
36 ~~residence~~ ISSUED BY A SERVICE DOG TRAINER ORGANIZATION WHICH TRAINS AND
37 CERTIFIES SERVICE DOGS FOR THE DISABLED.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 1997.

