S T A T E O F N E W Y O R K

3728

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. CROUCH, BALL, FINCH, BURLING, ALFANO, McDONOUGH, BARRA -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, CALHOUN, LANCMAN, MAYERSOHN, McKEVITT, MILLER, MOLINARO, O'MARA, TOBACCO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to the training and socialization of guide dogs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 47-b of the civil rights law, as amended by chapter 404 of the laws of 1986, is amended to read as follows:

S 47-b. Miscellaneous provisions. 1. Persons with a disability accompanied by guide dogs, hearing dogs or service dogs shall be guaranteed the right to have such dogs in their immediate custody while exercising any of the rights and privileges set forth in this article. Blind persons shall, further, have the right to carry a cane in their immediate custody while exercising any of the rights and privileges set forth in this section.

2. No person or legal entity, public or private, shall attempt to impose or maintain any direct or indirect additional charge for the admittance of a guide dog, hearing dog or service dog accompanying a person with a disability, nor shall any conditions or restrictions not specifically set forth in this article be imposed on the person's rights as set forth herein.

3. Persons qualified to train GUIDE DOGS, HEARING DOGS, OR SERVICE dogs to aid and guide persons with a disability, [while engaged in such training activities,] INCLUDING WALKING THE DOG WHEN IT IS STILL A PUPPY, shall have the same rights and privileges AS set forth IN THIS SECTION for persons with a disability [in this article], PROVIDED THAT SUCH TRAINER IS ENGAGED IN TRAINING ACTIVITIES WITH THE DOG; AND PROVIDED, FURTHER, THAT THE DOG MUST BE HELD ON A LEASH, MUST BE IDENTIFIED BY WEARING A JACKET, VEST, COLLAR, OR OTHER ITEM WITH THE OFFICIAL

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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LOGO OF THE SCHOOL OR FOUNDATION THAT IS TRAINING THE DOG, AND THE PERSON ACCOMPANYING THE DOG MUST HAVE A CERTIFICATE FROM THE SCHOOL OR FOUNDATION PROVING THAT SUCH DOG IS BEING TRAINED AS A GUIDE DOG, HEARING DOG, OR SERVICE DOG, IN ORDER FOR SUCH PERSON AND DOG TO BE ABLE TO ENTER A PUBLIC FACILITY.

4. FOR PURPOSES OF THIS SECTION, THE TERM "TRAINING" SHALL INCLUDE RAISING AND SOCIALIZING THE PROSPECTIVE GUIDE DOG, HEARING DOG, OR SERVICE DOG, WHICH OCCURS PRIOR TO THE DOG'S FORMALIZED GUIDE DOG TRAINING OR WALKING THE DOG DURING ITS FIRST YEAR WHILE SUCH DOG IS A PUPPY.

5. The term "guide dog", "hearing dog" or "service dog" shall mean a dog which is properly harnessed and has been or is being trained by a qualified person, to aid and guide a person with a disability.

[5.] 6. For the purposes of this article the term "disability" shall have the same meaning as provided for in subdivision twenty-one of section two hundred ninety-two of the executive law.

[6.] 7. Any law, rule, or regulation conflicting with any provision of this article is, to the extent of said conflict only, deemed to be superseded by the provisions of this article.

S 2. This act shall take effect immediately.