

1 SB216
2 127393-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 22-MAR-11

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8 SYNOPSIS: Under existing law, a person who is blind or
9 partially blind or hearing impaired may be
10 accompanied by a guide dog or hearing dog in places
11 of public accommodation. In addition, a person who
12 is training a guide dog and is employed by an
13 accredited school is granted the same privilege. A
14 violation of this law is a misdemeanor.

15 This bill would provide that a person with a
16 physical disability may be accompanied by a service
17 animal specially trained to assist the person with
18 the disability and would grant a person training a
19 service animal the same privilege. A violation
20 would be subject to the same penalty.

21 Amendment 621 of the Constitution of Alabama
22 of 1901 prohibits a general law whose purpose or
23 effect would be to require a new or increased
24 expenditure of local funds from becoming effective
25 with regard to a local governmental entity without
26 enactment by a 2/3 vote unless: it comes within one
27 of a number of specified exceptions; it is approved

1 by the affected entity; or the Legislature
2 appropriates funds, or provides a local source of
3 revenue, to the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of Amendment 621. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in Amendment 621.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Section 21-7-4 of the Code of Alabama 1975,
17 authorizing a blind or hearing impaired person, or a person
18 training a guide dog under certain conditions, to be
19 accompanied by a guide dog or hearing dog; to authorize a
20 person who is physically disabled to be accompanied by a
21 service animal, specially trained to assist the disabled
22 person; to provide that a person training a service animal
23 would be granted the same privileges; and in connection
24 therewith would have as its purpose or effect the requirement
25 of a new or increased expenditure of local funds within the
26 meaning of Amendment 621 of the Constitution of Alabama of
27 1901.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 21-7-4 of the Code of Alabama
3 1975, is amended to read as follows:

4 "§21-7-4.

5 "(a) For the purposes of this section, the term
6 "service animal" means a guide dog, hearing dog, signal dog,
7 or other animal specially trained or being trained to assist a
8 person with a physical disability.

9 "(b) Every person with a disability, including a
10 person who is totally or partially blind, ~~person shall have~~
11 ~~the right to be accompanied by a guide dog, especially trained~~
12 ~~for the purpose, and every hearing-impaired, or diagnosed on~~
13 ~~the autism spectrum~~ person shall have the right to be
14 accompanied by a hearing dog service animal, ~~especially~~
15 ~~trained for the purpose, and every person employed by an~~
16 ~~accredited school for training guide dogs shall have the right~~
17 ~~to be accompanied by a guide dog in training in any public~~
18 ~~place, including a public or private school, and any of the~~
19 ~~places listed in Section 21-7-3. without being~~ The person may
20 not be required to pay an extra charge for the dog however,
21 ~~the person shall be liable for any damages done to the~~
22 ~~premises or facilities by the dog~~ service animal.

23 "(c) A person training a service animal shall be
24 entitled to the same privileges granted to a person with a
25 disability pursuant to subsection (b).

1 "(d) This section does not relieve a person
2 accompanied by a service animal from liability for any damages
3 done to the premises or facilities by the service animal."

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621 because the
8 bill defines a new crime or amends the definition of an
9 existing crime.

10 Section 3. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.