

# As Introduced

130th General Assembly  
Regular Session  
2013-2014

H. B. No. 310

Representative Ruhl

Cosponsors: Representatives Terhar, Adams, J., Grossman, Milkovich

—

## A B I L L

To amend sections 955.011, 955.43, and 955.99 of the  
Revised Code to include persons diagnosed with  
posttraumatic stress disorder as mobility impaired  
persons for purposes of the statutes governing  
assistance dogs and to prohibit misrepresentation  
of a dog as an assistance dog.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 955.011, 955.43, and 955.99 of the  
Revised Code be amended to read as follows:

**Sec. 955.011.** (A) When an application is made for  
registration of an assistance dog and the owner can show proof by  
certificate or other means that the dog is an assistance dog, the  
owner of the dog shall be exempt from any fee for the  
registration. Registration for an assistance dog shall be  
permanent and not subject to annual renewal so long as the dog is  
an assistance dog. Certificates and tags stamped "Ohio Assistance  
Dog-Permanent Registration," with registration number, shall be  
issued upon registration of such a dog. Any certificate and tag  
stamped "Ohio Guide Dog-Permanent Registration" or "Ohio Hearing  
Dog-Permanent Registration," with registration number, that was

issued for a dog in accordance with this section as it existed 20  
prior to July 4, 1984, any certificate and tag stamped "Ohio 21  
Handicapped Assistance Dog-Permanent Registration," with 22  
registration number, that was issued for a dog in accordance with 23  
this section as it existed on and after July 5, 1984, but prior to 24  
November 26, 2004, and any certificate and tag stamped "Ohio 25  
Service Dog-Permanent Registration," with registration number, 26  
that was issued for a dog in accordance with this section as it 27  
existed on and after November 26, 2004, but prior to June 30, 28  
2006, shall remain in effect as valid proof of the registration of 29  
the dog on and after November 26, 2004. Duplicate certificates and 30  
tags for a dog registered in accordance with this section, upon 31  
proper proof of loss, shall be issued and no fee required. Each 32  
duplicate certificate and tag that is issued shall be stamped 33  
"Ohio Assistance Dog-Permanent Registration." 34

(B) As used in this section and in sections 955.16 and 955.43 35  
of the Revised Code: 36

(1) "Mobility impaired person" means any person, regardless 37  
of age, who is subject to a physiological defect or deficiency 38  
regardless of its cause, nature, or extent that renders the person 39  
unable to move about without the aid of crutches, a wheelchair, or 40  
any other form of support, or that limits the person's functional 41  
ability to ambulate, climb, descend, sit, rise, or perform any 42  
related function. "Mobility impaired person" includes a person 43  
with a neurological or psychological disability that limits the 44  
person's functional ability to ambulate, climb, descend, sit, 45  
rise, or perform any related function. "Mobility impaired person" 46  
also includes a person with a seizure disorder ~~and~~, a person who 47  
is diagnosed with autism, and a person who is diagnosed with 48  
posttraumatic stress disorder. 49

(2) "Blind" means either of the following: 50

(a) Vision twenty/two hundred or less in the better eye with 51

proper correction; 52

(b) Field defect in the better eye with proper correction 53  
that contracts the peripheral field so that the diameter of the 54  
visual field subtends an angle no greater than twenty degrees. 55

(3) "Assistance dog" means a guide dog, hearing dog, or 56  
service dog that has been trained by a nonprofit special agency. 57

(4) "Guide dog" means a dog that has been trained or is in 58  
training to assist a blind person. 59

(5) "Hearing dog" means a dog that has been trained or is in 60  
training to assist a deaf or hearing-impaired person. 61

(6) "Service dog" means a dog that has been trained or is in 62  
training to assist a mobility impaired person. 63

**Sec. 955.43.** (A) When either a blind, deaf or hearing 64  
impaired, or mobility impaired person or a trainer of an 65  
assistance dog is accompanied by an assistance dog, the person or 66  
the trainer, as applicable, is entitled to the full and equal 67  
accommodations, advantages, facilities, and privileges of all 68  
public conveyances, hotels, lodging places, all places of public 69  
accommodation, amusement, or resort, all institutions of 70  
education, and other places to which the general public is 71  
invited, and may take the dog into such conveyances and places, 72  
subject only to the conditions and limitations applicable to all 73  
persons not so accompanied, except that: 74

(1) The dog shall not occupy a seat in any public conveyance. 75

(2) The dog shall be upon a leash while using the facilities 76  
of a common carrier. 77

(3) Any dog in training to become an assistance dog shall be 78  
covered by a liability insurance policy provided by the nonprofit 79  
special agency engaged in such work protecting members of the 80  
public against personal injury or property damage caused by the 81

dog. 82

(B) No person shall deprive a blind, deaf or hearing 83  
impaired, or mobility impaired person or a trainer of an 84  
assistance dog who is accompanied by an assistance dog of any of 85  
the advantages, facilities, or privileges provided in division (A) 86  
of this section, nor charge the person or trainer a fee or charge 87  
for the dog. 88

(C) No person shall use on a dog a harness, vest, or leash of 89  
the type commonly used on assistance dogs in order to represent 90  
that the person's dog is an assistance dog if the dog has not been 91  
trained or is not in training as an assistance dog. 92

(D) As used in this section, "institutions of education" 93  
means: 94

(1) Any state university or college as defined in section 95  
3345.32 of the Revised Code; 96

(2) Any private college or university that holds a 97  
certificate of authorization issued by the Ohio board of regents 98  
pursuant to Chapter 1713. of the Revised Code; 99

(3) Any elementary or secondary school operated by a board of 100  
education; 101

(4) Any chartered or nonchartered nonpublic elementary or 102  
secondary school; 103

(5) Any school issued a certificate of registration by the 104  
state board of career colleges and schools. 105

**Sec. 955.99.** (A)(1) Whoever violates division (E) of section 106  
955.11 of the Revised Code because of a failure to comply with 107  
division (B) of that section is guilty of a minor misdemeanor. 108

(2) Whoever violates division (E) of section 955.11 of the 109  
Revised Code because of a failure to comply with division (C) or 110

(D) of that section is guilty of a minor misdemeanor on a first 111  
offense and of a misdemeanor of the fourth degree on each 112  
subsequent offense. 113

(B) Whoever violates section 955.10, 955.23, 955.24, or 114  
955.25 of the Revised Code is guilty of a minor misdemeanor. 115

(C) Whoever violates section 955.261, 955.39, or 955.50 of 116  
the Revised Code is guilty of a minor misdemeanor on a first 117  
offense and of a misdemeanor of the fourth degree on each 118  
subsequent offense. 119

(D) Whoever violates division (F) of section 955.16 or 120  
division (B) or (C) of section 955.43 of the Revised Code is 121  
guilty of a misdemeanor of the fourth degree. 122

(E)(1) Whoever violates section 955.21 of the Revised Code, 123  
violates division (B) of section 955.22 of the Revised Code, or 124  
commits a violation of division (C) of section 955.22 of the 125  
Revised Code that involves a dog that is not a nuisance dog, 126  
dangerous dog, or vicious dog shall be fined not less than 127  
twenty-five dollars or more than one hundred dollars on a first 128  
offense, and on each subsequent offense shall be fined not less 129  
than seventy-five dollars or more than two hundred fifty dollars 130  
and may be imprisoned for not more than thirty days. 131

(2) In addition to the penalties prescribed in division 132  
(E)(1) of this section, if the offender is guilty of a violation 133  
of division (B) of section 955.22 of the Revised Code or a 134  
violation of division (C) of section 955.22 of the Revised Code 135  
that involves a dog that is not a nuisance dog, dangerous dog, or 136  
vicious dog, the court may order the offender to personally 137  
supervise the dog that the offender owns, keeps, or harbors, to 138  
cause that dog to complete dog obedience training, or to do both. 139

(F)(1) Whoever commits a violation of division (C) of section 140  
955.22 of the Revised Code that involves a nuisance dog is guilty 141

of a minor misdemeanor on the first offense and of a misdemeanor 142  
of the fourth degree on each subsequent offense involving the same 143  
dog. Upon a person being convicted of or pleading guilty to a 144  
third violation of division (C) of section 955.22 of the Revised 145  
Code involving the same dog, the court shall require the offender 146  
to register the involved dog as a dangerous dog. 147

(2) In addition to the penalties prescribed in division 148  
(F)(1) of this section, if a violation of division (C) of section 149  
955.22 of the Revised Code involves a nuisance dog, the court may 150  
order the offender to personally supervise the nuisance dog that 151  
the offender owns, keeps, or harbors, to cause that dog to 152  
complete dog obedience training, or to do both. 153

(G) Whoever commits a violation of division (C) of section 154  
955.22 of the Revised Code that involves a dangerous dog or a 155  
violation of division (D) of that section is guilty of a 156  
misdemeanor of the fourth degree on a first offense and of a 157  
misdemeanor of the third degree on each subsequent offense. 158  
Additionally, the court may order the offender to personally 159  
supervise the dangerous dog that the offender owns, keeps, or 160  
harbors, to cause that dog to complete dog obedience training, or 161  
to do both, and the court may order the offender to obtain 162  
liability insurance pursuant to division (E) of section 955.22 of 163  
the Revised Code. The court, in the alternative, may order the 164  
dangerous dog to be humanely destroyed by a licensed veterinarian, 165  
the county dog warden, or the county humane society at the owner's 166  
expense. With respect to a violation of division (C) of section 167  
955.22 of the Revised Code that involves a dangerous dog, until 168  
the court makes a final determination and during the pendency of 169  
any appeal of a violation of that division and at the discretion 170  
of the dog warden, the dog shall be confined or restrained in 171  
accordance with division (D) of section 955.22 of the Revised Code 172  
or at the county dog pound at the owner's expense. 173

(H)(1) Whoever commits a violation of division (C) of section 174  
955.22 of the Revised Code that involves a vicious dog is guilty 175  
of one of the following: 176

(a) A felony of the fourth degree if the dog kills a person. 177  
Additionally, the court shall order that the vicious dog be 178  
humanely destroyed by a licensed veterinarian, the county dog 179  
warden, or the county humane society at the owner's expense. 180

(b) A misdemeanor of the first degree if the dog causes 181  
serious injury to a person. Additionally, the court may order the 182  
vicious dog to be humanely destroyed by a licensed veterinarian, 183  
the county dog warden, or the county humane society at the owner's 184  
expense. 185

(2) If the court does not order the vicious dog to be 186  
destroyed under division (H)(1)(b) of this section, the court 187  
shall issue an order that specifies that division (D) of section 188  
955.11 and divisions (D) to (I) of section 955.22 of the Revised 189  
Code apply with respect to the dog and the owner, keeper, or 190  
harborer of the dog as if the dog were a dangerous dog and that 191  
section 955.54 of the Revised Code applies with respect to the dog 192  
as if it were a dangerous dog. As part of the order, the court 193  
shall order the offender to obtain the liability insurance 194  
required under division (E)(1) of section 955.22 of the Revised 195  
Code in an amount, exclusive of interest and costs, that equals or 196  
exceeds one hundred thousand dollars. Until the court makes a 197  
final determination and during the pendency of any appeal of a 198  
violation of division (C) of section 955.22 of the Revised Code 199  
and at the discretion of the dog warden, the dog shall be confined 200  
or restrained in accordance with the provisions described in 201  
division (D) of section 955.22 of the Revised Code or at the 202  
county dog pound at the owner's expense. 203

(I) Whoever violates division (A)(2) of section 955.01 of the 204  
Revised Code is guilty of a misdemeanor of the first degree. 205

(J) Whoever violates division (E)(2) of section 955.22 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(K) Whoever violates division (C) of section 955.221 of the Revised Code is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the municipal or county court in accordance with section 733.40, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code to the treasury of the county, township, or municipal corporation whose resolution or ordinance was violated.

(L) Whoever violates division (F)(1), (2), or (3) of section 955.22 of the Revised Code is guilty of a felony of the fourth degree. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (F)(1), (2), or (3) of section 955.22 of the Revised Code and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (D) of section 955.22 of the Revised Code or at the county dog pound at the owner's expense.

(M) Whoever violates division (E)(1), (3), or (4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.

(N) Whoever violates division (I)(4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.

(O) Whoever violates division (A) or (B) of section 955.54 of the Revised Code is guilty of a misdemeanor of the first degree.

(P)(1) If a dog is confined at the county dog pound pursuant to division (G), (H), or (L) of this section, the county dog warden shall give written notice of the confinement to the owner



of the dog. If the county dog warden is unable to give the notice 237  
to the owner of the dog, the county dog warden shall post the 238  
notice on the door of the residence of the owner of the dog or in 239  
another conspicuous place on the premises at which the dog was 240  
seized. The notice shall include a statement that a security in 241  
the amount of one hundred dollars is due to the county dog warden 242  
within ten days to secure payment of all reasonable expenses, 243  
including medical care and boarding of the dog for sixty days, 244  
expected to be incurred by the county dog pound in caring for the 245  
dog pending the determination. The county dog warden may draw from 246  
the security any actual costs incurred in caring for the dog. 247

(2) If the person ordered to post security under division 248  
(P)(1) of this section does not do so within ten days of the 249  
confinement of the animal, the dog is forfeited, and the county 250  
dog warden may determine the disposition of the dog unless the 251  
court issues an order that specifies otherwise. 252

(3) Not more than ten days after the court makes a final 253  
determination under division (G), (H), or (L) of this section, the 254  
county dog warden shall provide the owner of the dog with the 255  
actual cost of the confinement of the dog. If the county dog 256  
warden finds that the security provided under division (P)(1) of 257  
this section is less than the actual cost of confinement of the 258  
dog, the owner shall remit the difference between the security 259  
provided and the actual cost to the county dog warden within 260  
thirty days after the court's determination. If the county dog 261  
warden finds that the security provided under division (P)(1) of 262  
this section is greater than that actual cost, the county dog 263  
warden shall remit the difference between the security provided 264  
and the actual cost to the owner within thirty days after the 265  
court's determination. 266

(Q) As used in this section, "nuisance dog," "dangerous dog," 267  
and "vicious dog" have the same meanings as in section 955.11 of 268

the Revised Code. 269

**Section 2.** That existing sections 955.011, 955.43, and 955.99 270

of the Revised Code are hereby repealed. 271