

As Passed by the House

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 310

Representative Ruhl

Cosponsors: Representatives Terhar, Adams, J., Grossman, Milkovich, Bishoff, Brown, Ramos, Schuring, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Derickson, Dovilla, Fedor, Gerberry, Green, Hackett, Hagan, R., Hall, Heard, Huffman, Landis, Mallory, McClain, O'Brien, Patterson, Perales, Pillich, Retherford, Rogers, Romanchuk, Sears, Sheehy, Smith, Stinziano, Winburn Speaker Batchelder

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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 14
an assistance dog. Certificates and tags stamped "Ohio Assistance 15
Dog-Permanent Registration," with registration number, shall be 16
issued upon registration of such a dog. Any certificate and tag 17
stamped "Ohio Guide Dog-Permanent Registration" or "Ohio Hearing 18
Dog-Permanent Registration," with registration number, that was 19
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 of a common carrier. 76
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(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog. 78
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(B) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (A) of this section, nor charge the person or trainer a fee or charge for the dog. 83
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(C) No person shall use on a dog a harness, vest, or leash of the type commonly used on assistance dogs in order to represent that the person's dog is an assistance dog if the dog has not been trained or is not in training as an assistance dog. 89
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(D) As used in this section, "institutions of education" means: 93
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(1) Any state university or college as defined in section 3345.32 of the Revised Code; 95
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(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code; 97
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(3) Any elementary or secondary school operated by a board of education; 100
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(4) Any chartered or nonchartered nonpublic elementary or secondary school; 102
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(5) Any school issued a certificate of registration by the state board of career colleges and schools. 104
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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 vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(F)(1) Whoever commits a violation of division (C) of section 955.22 of the Revised Code that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (C) of section 955.22 of the Revised Code involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

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

(G) Whoever commits a violation of division (C) of section 955.22 of the Revised Code that involves a dangerous dog or a violation of division (D) of that section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (E) of section 955.22 of the Revised Code. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. With respect to a violation of division (C) of section

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 206
Revised Code is guilty of a misdemeanor of the fourth degree. 207

(K) Whoever violates division (C) of section 955.221 of the 208
Revised Code is guilty of a minor misdemeanor. Each day of 209
continued violation constitutes a separate offense. Fines levied 210
and collected for violations of that division shall be distributed 211
by the mayor or clerk of the municipal or county court in 212
accordance with section 733.40, division (F) of section 1901.31, 213
or division (C) of section 1907.20 of the Revised Code to the 214
treasury of the county, township, or municipal corporation whose 215
resolution or ordinance was violated. 216

(L) Whoever violates division (F)(1), (2), or (3) of section 217
955.22 of the Revised Code is guilty of a felony of the fourth 218
degree. Additionally, the court shall order that the dog involved 219
in the violation be humanely destroyed by a licensed veterinarian, 220
the county dog warden, or the county humane society. Until the 221
court makes a final determination and during the pendency of any 222
appeal of a violation of division (F)(1), (2), or (3) of section 223
955.22 of the Revised Code and at the discretion of the dog 224
warden, the dog shall be confined or restrained in accordance with 225
the provisions of division (D) of section 955.22 of the Revised 226
Code or at the county dog pound at the owner's expense. 227

(M) Whoever violates division (E)(1), (3), or (4) of section 228
955.22 of the Revised Code is guilty of a minor misdemeanor. 229

(N) Whoever violates division (I)(4) of section 955.22 of the 230

Revised Code is guilty of a minor misdemeanor. 231

(O) Whoever violates division (A) or (B) of section 955.54 of 232
the Revised Code is guilty of a misdemeanor of the first degree. 233

(P)(1) If a dog is confined at the county dog pound pursuant 234
to division (G), (H), or (L) of this section, the county dog 235
warden shall give written notice of the confinement to the owner 236
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 warden shall remit the difference between the security provided and the actual cost to the owner within thirty days after the court's determination.

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

Section 2. That existing sections 955.011, 955.43, and 955.99 of the Revised Code are hereby repealed.