

As Reported by the House Health and Aging Committee

**130th General Assembly
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H. B. No. 310

Representative Ruhl

**Cosponsors: Representatives Terhar, Adams, J., Grossman, Milkovich,
Bishoff, Brown, Ramos, Schuring**

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A B I L L

To amend sections 955.011, 955.43, and 955.99 of the 1
Revised Code to include persons diagnosed with 2
posttraumatic stress disorder as mobility impaired 3
persons for purposes of the statutes governing 4
assistance dogs and to prohibit misrepresentation 5
of a dog as an assistance dog. 6

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 7
Revised Code be amended to read as follows: 8

Sec. 955.011. (A) When an application is made for 9
registration of an assistance dog and the owner can show proof by 10
certificate or other means that the dog is an assistance dog, the 11
owner of the dog shall be exempt from any fee for the 12
registration. Registration for an assistance dog shall be 13
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 proper correction; 51
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 Revised Code is guilty of a misdemeanor of the first degree.	204 205
(J) Whoever violates division (E)(2) of section 955.22 of the Revised Code is guilty of a misdemeanor of the fourth degree.	206 207
(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.	208 209 210 211 212 213 214 215 216
(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.	217 218 219 220 221 222 223 224 225 226 227
(M) Whoever violates division (E)(1), (3), or (4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.	228 229
(N) Whoever violates division (I)(4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.	230 231
(O) Whoever violates division (A) or (B) of section 955.54 of the Revised Code is guilty of a misdemeanor of the first degree.	232 233
(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 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 to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of one hundred dollars is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for sixty days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

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

(3) Not more than ten days after the court makes a final determination under division (G), (H), or (L) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (P)(1) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within thirty days after the court's determination. If the county dog warden finds that the security provided under division (P)(1) of 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," 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