

A Bill for an Act Relating to Service Dogs.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 347-13, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Every blind, deaf, or visually or physically handicapped person shall have the right to be accompanied by a guide, signal, or service dog, especially trained for the purpose, in any of the places listed in subsection (a) without being required to pay an extra charge for the guide, signal, or service dog; provided that the blind, deaf, or visually or physically handicapped person shall be liable for any damage done to the premises or facilities by such dog. No such dog shall be considered dangerous merely because it is unmuzzled.”

SECTION 2. Section 515-3, Hawaii Revised Statutes, is amended to read as follows:

“§515-3 **Discriminatory practices.** It is a discriminatory practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesperson, because of race, sex, color, religion, marital status, parental status, ancestry, handicapped status, or HIV (human immunodeficiency virus) infection:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to the person's attention, or to refuse to permit the person to inspect real property;
- (6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- (7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (8) To refuse to engage in a real estate transaction with a [blind or deaf] person due to handicapped status because the person uses the services of a certified guide [or], signal, or service dog; provided that reasonable restrictions or prohibitions may be imposed regarding excessive noise or other problems caused by those animals. For the purposes of this paragraph:

“Blind” shall be as defined in section 235-1;

“Deaf” shall be as defined in section 235-1;

“Guide dog” means any dog individually trained by a licensed guide dog trainer for guiding a blind person by means of a harness attached to the dog and a rigid handle grasped by the person;

“Reasonable restriction” shall not include any restriction that allows any owner or person to refuse to negotiate or refuse to engage in the real estate transaction; as used [herein,] in this chapter, the “reasonableness” of the restriction shall be examined by giving due consideration to the needs of a reasonable prudent person in the same or similar circumstances [as the blind or deaf person]. Depending on the circumstances, a “reasonable restriction” may require the owner of the [certified] service, guide, or signal dog to comply with one or more of the following:

- (A) Provide proof that the animal is a [certified] service dog, guide dog, or signal dog;
- (B) Observe applicable laws including leash laws and pick-up laws;
- (C) Assume responsibility for damage caused by the dog; or
- [(D) Use a harness with a rigid handle on the dog at all times; or
- (E)] (D) Have the housing unit cleaned upon vacating, by fumigation, deodorizing, professional carpet cleaning, or other method appropriate under the circumstances.

The foregoing list is illustrative only, and neither exhaustive nor mandatory; [and]

“Service dog” means any dog individually trained and certified by a nationally recognized service dog organization to assist a person with a disability in performing essential activities of daily living;

“Signal dog” means any dog [trained to alert a deaf person to intruders or sounds; or] individually trained and certified by a nationally recognized signal dog organization to alert a deaf person to intruders or sounds; or

- (9) To solicit or require as a condition of engaging in a real estate transaction that the buyer, renter, or lessee be tested for human immunodeficiency virus infection (HIV), the causative agent of acquired immunodeficiency syndrome (AIDS).”

SECTION 3. Chapter 142, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§142- Guide, signal, or service dogs. Any person with a disability who uses the services of a guide, signal, or service dog, as defined in section 515-3, shall be permitted to reside on site for the duration of quarantine, if housing is available.”

SECTION 4. Section 143-4, Hawaii Revised Statutes, is amended to read as follows:

“§143-4 Issuance of license and tags. Upon the receipt of the license fee the director of finance shall issue to the person paying the fee a license stating the following:

- (1) The name and address of the person to whom the license is issued;
- (2) The year for which the license is paid;
- (3) The date of payment;

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- (4) A description of the dog for which the license is issued;
- (5) The number of the metal tag issued for the dog[.];¹ and
- (6) Any dog approved by the director of finance pursuant to rules established by the director to be a guide, signal, or service dog shall be so designated on the license.

The director of finance shall at the same time issue and deliver to the person a metal tag of such form and design as the director of finance may designate with a serial number and the year for which it is issued plainly inscribed thereon, which tag shall be attached to a collar around the neck of the dog for which the license has been issued. The fee for the tag shall be set by each county council; provided that until and unless provided by ordinance the fee shall be 10 cents.

The director of finance, pursuant to chapter 91, shall adopt rules for the licensing of guide, signal, and service dogs.”

SECTION 5. A physically handicapped person shall have the right to be accompanied by a service dog duly licensed and certified by the Canine Companion for Independence Organization in any of the places listed in subsection 347-13(a) without being required to pay an extra charge for the service dog; provided that the handicapped person shall show the certificate upon request; and provided further that the handicapped person shall be liable for any damage done to the premises or facilities by such dog. No such dog shall be considered dangerous merely because it is unmuzzled.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 7. This Act shall take effect upon its approval; except that section 4 of this Act shall take effect on July 1, 1991 and section 5 of this Act shall be repealed on July 1, 1992.

(Approved May 23, 1991.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.