

SECOND REGULAR SESSION

HOUSE BILL NO. 2031

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

5672H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 209.204, RSMo, and to enact in lieu thereof one new section relating to service dogs, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 209.204, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.204, to read as follows:

209.204. 1. Any person who knowingly impersonates a person with a disability for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such impersonation. Any second or subsequent violation of this section is a class B misdemeanor. For purposes of this section, "impersonates a person with a disability" means a representation by word or action as a person with a disability ~~[or a representation of a dog by word or action as a service dog]~~.

2. No person shall knowingly represent a dog as a service dog for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section, "represents a dog as a service dog" means a representation by word or action that a dog has been trained as a service dog as defined in section 209.200. Misrepresentation of a service dog includes, but is not limited to:

- (1) Knowingly creating documents that falsely represent that a dog as a service dog;
- (2) Knowingly providing to another person documents falsely stating that a dog is a service dog;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (3) Knowingly fitting a dog, when the dog is not a service dog, with a harness,
18 collar, vest, or sign of the type commonly used by a person with a disability to indicate a
19 dog is a service dog; and

20 (4) Knowingly representing that a dog is a service dog when the dog has not
21 completed training to perform disability-related tasks or do disability-related work for a
22 person with a disability.

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24 A person who violates this section commits a class C misdemeanor and shall also be civilly
25 liable for the amount of any actual damages resulting from such impersonation. Any
26 second or subsequent violation of this section is a class B misdemeanor.

27 3. The Missouri commission on human rights as established under section 213.020
28 shall use its existing complaint hotline to receive reports of individuals impersonating a
29 person with a disability or representing a dog as a service dog. The commission shall refer
30 an alleged violation of this act to the appropriate law enforcement agency for investigation.

31 4. The department of health and senior services shall prepare and make available
32 to businesses upon request a decal suitable for posting in a front window or door, stating
33 that service dogs are welcome and that misrepresentation of a service dog is a violation of
34 Missouri law and a brochure detailing permissible questions a business owner may ask in
35 order to determine whether a dog is a service dog, proper answers to those questions, and
36 guidelines defining unacceptable behavior.

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