

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2031
99TH GENERAL ASSEMBLY

5672H.02C

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Section A. Section 209.204, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.204, to read as follows: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 governor's council on disability shall prepare and make available online a**
32 **placard suitable for posting in a front window or door, stating that service dogs are**
33 **welcome and that misrepresentation of a service dog is a violation of Missouri law and a**
34 **brochure detailing permissible questions a business owner may ask in order to determine**
35 **whether a dog is a service dog, proper answers to those questions, and guidelines defining**
36 **unacceptable behavior.**

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