

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2031

99TH GENERAL ASSEMBLY

5672H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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Section A. Section 209.204, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.204, to read as follows: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 misrepresent 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, "misrepresent 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 is 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 subsection is guilty of a class C misdemeanor and shall also be**  
25 **civily liable for the amount of any actual damages resulting from such misrepresentation.**  
26 **Any second or subsequent violation of this subsection is a class B misdemeanor.**

27           **3. No person shall knowingly misrepresent any animal as an assistance animal for**  
28 **the purpose of receiving the accommodations regarding assistance animals under the Fair**  
29 **Housing Act, 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section**  
30 **701 et seq. For purposes of this section the term "assistance animal" shall include an**  
31 **emotional support animal. Misrepresentation of an assistance animal includes, but is not**  
32 **limited to:**

33           **(1) Knowingly creating documents that falsely represent that an animal is an**  
34 **assistance animal;**

35           **(2) Knowingly providing to another person documents falsely stating that an**  
36 **animal is an assistance animal; and**

37           **(3) Knowingly fitting an animal, when the animal is not an assistance animal, with**  
38 **a harness, collar, vest, or sign of the type commonly used by a person with a disability to**  
39 **indicate an animal is an assistance animal.**

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41 **A person who violates this subsection is guilty of a class C misdemeanor and shall also be**  
42 **civily liable for the amount of any actual damages resulting from such misrepresentation.**  
43 **Any second or subsequent violation of this subsection is a class B misdemeanor.**

44           **4. The Missouri commission on human rights as established under section 213.020**  
45 **shall use its existing complaint hotline to receive reports of individuals impersonating a**  
46 **person with a disability, misrepresenting a dog as a service dog, or misrepresenting an**  
47 **animal as an assistance animal. The commission shall refer an alleged violation of this act**  
48 **to the appropriate law enforcement agency for investigation.**

49           **5. The governor's council on disability shall prepare and make available online a**  
50 **placard suitable for posting in a front window or door, stating that service dogs are**  
51 **welcome and that misrepresentation of a service dog is a violation of Missouri law and a**  
52 **brochure detailing permissible questions a business owner may ask in order to determine**

53 **whether a dog is a service dog, proper answers to those questions, and guidelines defining**  
54 **unacceptable behavior.**

55 **6. The governor's council on disability shall prepare and make available online a**  
56 **brochure for landlords and tenants regarding laws relating to service dogs and assistance**  
57 **animals and housing under federal and Missouri law.**

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