

LEGISLATIVE BILL 254

Approved by the Governor February 28, 1997

Introduced by Robak, 22; Stuhr, 24

AN ACT relating to physically disabled persons; to amend sections 20-126 to 20-129, 20-131.02, and 20-131.04, Reissue Revised Statutes of Nebraska; to provide for service dogs; to harmonize provisions; to repeal the original sections; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of this section and sections 20-126 to 20-131:

(1) Physically disabled person means a person with a physical disability other than hearing impairment, blindness, or visual handicap; and

(2) Service dog means any dog individually trained to do work or perform tasks for the benefit of a physically disabled person, including, but not limited to, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Sec. 2. Section 20-126, Reissue Revised Statutes of Nebraska, is amended to read:

20-126. It is the policy of this state to encourage and enable the blind, the visually handicapped, the hearing impaired, and the otherwise hearing-impaired, or physically disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

Sec. 3. Section 20-127, Reissue Revised Statutes of Nebraska, is amended to read:

20-127. (1) The blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled Any blind, visually handicapped, hearing-impaired, or physically disabled person shall have the same right as the able bodied an able-bodied person to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(2) The blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled Any blind, visually handicapped, hearing-impaired, or physically disabled person shall be entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(3) Every totally or partially blind person shall have the right to be accompanied by a dog guide, and every hearing-impaired person shall have the right to be accompanied by a hearing aid dog, and every physically disabled person shall have the right to be accompanied by a service dog, especially trained for the purpose, in any of the places listed in subsection (2) of this section without being required to pay an extra charge for the dog guide, or hearing aid dog, or service dog. Such ~~PROVIDED~~ that such person shall be liable for any damage done to the premises or facilities by such dog.

(4) Every totally or partially blind person shall have the right to make use of a white cane in any of the places listed in subsection (2) of this section.

Sec. 4. Section 20-128, Reissue Revised Statutes of Nebraska, is amended to read:

20-128. In addition to the provisions of sections 28-1313 and 28-1314, the driver of a vehicle approaching (1) a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color or using a dog guide, or (2) a hearing-impaired pedestrian who is using a hearing aid dog, or (3) a physically disabled pedestrian who is using a service dog shall take all necessary precautions to avoid injury to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian. ~~A ~~PROVIDED~~ that a totally or partially blind pedestrian not carrying such a cane or using a dog guide, or a hearing-impaired pedestrian not using a hearing aid dog, or a physically disabled pedestrian not using a service dog in any of the places, accommodations, or conveyances listed in section 20-127 shall have all of the rights and privileges conferred by law upon other persons, and the failure of~~

a totally or partially blind pedestrian to carry such a cane or to use a dog guide, ~~of or~~ a hearing-impaired pedestrian to use a hearing aid dog, or of a physically disabled pedestrian to use a service dog in any such places, accommodations, or conveyances shall ~~not be held to~~ does not constitute ~~nor be~~ and is not evidence of contributory negligence.

Sec. 5. Section 20-129, Reissue Revised Statutes of Nebraska, is amended to read:

20-129. Any person, firm, or corporation, or the agent of any person, firm, or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 20-127 or otherwise interferes with the rights of a totally or partially blind, hearing-impaired, or otherwise physically disabled person under section 20-127 or sections 20-131.01 to 20-131.04 shall be guilty of a Class III misdemeanor.

Sec. 6. Section 20-131.02, Reissue Revised Statutes of Nebraska, is amended to read:

20-131.02. As used in For purposes of sections 20-131.01 to 20-131.04, unless the context otherwise requires:

(1) Housing means accommodations shall mean means any real property which is used or occupied or is intended, arranged, or designed to be used or occupied as the home, residence, or sleeping place of one or more human beings. Housing accommodations shall does not include any single-family residence in which the owner lives and in which any room is rented, leased, or provided for compensation to persons other than the owner or primary tenant;

(2) Physically disabled person means a person with a physical disability other than hearing impairment, blindness, or visual handicap; and

(3) Service dog means any dog individually trained to do work or perform tasks for the benefit of a physically disabled person, including, but not limited to, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Sec. 7. Section 20-131.04, Reissue Revised Statutes of Nebraska, is amended to read:

20-131.04. Every totally or partially blind person who has a dog guide or who obtains a dog guide, and every hearing-impaired person who has a hearing aid dog or who obtains a hearing aid dog, and every physically disabled person who has a service dog or obtains a service dog shall have full and equal access to all housing accommodations with such dog as prescribed in sections 20-131.01 to 20-131.04. Such person shall not be required to pay extra compensation for such dog. Such person shall be liable for any damage done to such premises by such dog. Any person who rents, leases, or provides housing accommodations for compensation may demand or receive a reasonable dog deposit, not to exceed one-fourth of one month's periodic rent, from any totally or partially blind person who has or obtains a dog guide, or from any hearing-impaired person who has or obtains a hearing aid dog, or from any physically disabled person who has or obtains a service dog.

Sec. 8. Original sections 20-126 to 20-129, 20-131.02, and 20-131.04, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.