

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 99

HOUSE BILL 2255

AN ACT

AMENDING SECTIONS 9-500.32, 11-1008 AND 11-1024, ARIZONA REVISED STATUTES;
RELATING TO ANIMAL CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-500.32, Arizona Revised Statutes, is amended to
3 read:

4 9-500.32. License fees for dogs; prohibition; violation;
5 classification

6 A. A city or town may not charge an individual who has a disability
7 and who uses a service animal as defined in section 11-1024, A PERSON THAT
8 TRAINS A SERVICE ANIMAL AS DEFINED IN SECTION 11-1024 or an individual who
9 uses a search ~~or~~ AND rescue dog a license fee for that dog.

10 B. An applicant for a license for a search ~~or~~ AND rescue dog shall
11 provide adequate proof satisfactory to the enforcement agent that the dog is
12 a search ~~or~~ AND rescue dog.

13 C. An applicant for a license for a service animal shall sign a
14 written statement that the dog is a service animal as defined in section
15 11-1024. A person who makes a false statement pursuant to this subsection is
16 guilty of a petty offense,— and IS SUBJECT TO a fine that ~~shall~~ DOES not
17 exceed fifty dollars. The statement to be signed shall be substantially in
18 the following form:

19 By signing this document, I declare that the dog to be licensed
20 is a service animal as defined in section 11-1024, Arizona
21 Revised Statutes, and I understand that a person who makes a
22 false statement pursuant to section 9-500.32, Arizona Revised
23 Statutes, is guilty of a petty offense,— and is subject to a
24 fine that does not exceed fifty dollars.

25 Sec. 2. Section 11-1008, Arizona Revised Statutes, is amended to read:
26 11-1008. License fees for dogs; issuance of dog tags;
27 exception; violation; classification

28 A. The board of supervisors of each county may set a license fee that
29 shall be paid for each dog three months of age or ~~over~~ OLDER that is kept,
30 harbored or maintained within the boundaries of ~~the~~ THIS state for at least
31 thirty consecutive days of each calendar year. License fees shall become
32 payable at the discretion of the board of supervisors of each county. The
33 licensing period shall not exceed the period of time for revaccination as
34 designated by the state veterinarian. License fees shall be paid within
35 ninety days to the board of supervisors. A penalty fee of two dollars shall
36 be paid if the license application is made less than one year ~~subsequent to~~
37 AFTER the date on which the dog is required to be licensed under this
38 article. If the license application is made one year or later from the date
39 on which the dog is required to be licensed, an additional penalty fee of ten
40 dollars shall be paid for each subsequent year up to a maximum of twenty-two
41 dollars. This penalty shall not be assessed against applicants who provide
42 adequate proof that the dog to be licensed has been in their possession in
43 ~~Arizona~~ THIS STATE less than thirty consecutive days.

44 B. If the board of supervisors adopts a license fee, the board shall
45 provide durable dog tags. Each dog licensed under the terms of this article

1 shall receive, at the time of licensing, such a tag on which shall be
2 inscribed the name of the county, the number of the license and the year in
3 which it expires. The tag shall be attached to a collar or harness that
4 shall be worn by the dog at all times, except as otherwise provided in this
5 article. Whenever a dog tag is lost, a ~~duplicate~~ REPLACEMENT tag shall be
6 issued on application by the owner and payment of a fee established by the
7 board of supervisors.

8 C. The board of supervisors may set license fees that are lower for
9 dogs permanently incapable of procreation. An applicant for a license for a
10 dog claimed to be incapable of procreation shall provide adequate proof
11 satisfactory to the COUNTY enforcement agent that ~~such~~ THE dog has been
12 surgically altered to be permanently incapable of procreation.

13 D. All fees and penalties shall be deposited in the rabies control
14 fund pursuant to section 11-1011.

15 E. Any person who knowingly fails within fifteen days after written
16 notification from the county enforcement agent to obtain a license for a dog
17 required to be licensed, counterfeits an official dog tag, removes such tag
18 from any dog for the purpose of intentional and malicious mischief or places
19 a dog tag ~~upon~~ ON a dog unless the tag was issued for that particular dog is
20 guilty of a class 2 misdemeanor.

21 F. Notwithstanding subsection A of this section, the board of
22 supervisors of each county may not charge an individual who has a disability
23 and who uses a service animal as defined in section 11-1024, A PERSON THAT
24 TRAINS A SERVICE ANIMAL AS DEFINED IN SECTION 11-1024 or an individual who
25 uses a search ~~or~~ AND rescue dog a license fee for that dog. An applicant for
26 a license for a:

27 1. Search ~~or~~ AND rescue dog shall provide adequate proof satisfactory
28 to the COUNTY enforcement agent that the dog is a search ~~or~~ AND rescue dog.

29 2. Service animal shall sign a written statement that the dog is a
30 service animal as defined in section 11-1024. A person who makes a false
31 statement pursuant to this paragraph is guilty of a petty offense, and IS
32 SUBJECT TO a fine that ~~shall~~ DOES not exceed fifty dollars. The statement to
33 be signed shall be substantially in the following form:

34 By signing this document, I declare that the dog to be licensed
35 is a service animal as defined in section 11-1024, Arizona
36 Revised Statutes, and I understand that a person who makes a
37 false statement pursuant to section 11-1008, Arizona Revised
38 Statutes, is guilty of a petty offense, and is subject to a
39 fine that does not exceed fifty dollars.

40 Sec. 3. Section 11-1024, Arizona Revised Statutes, is amended to read:
41 11-1024. Service animals; rights of individuals with
42 disabilities; violation; classification; definitions

43 A. Any person or entity that operates a public place shall not
44 discriminate against individuals with disabilities who use service animals if
45 the work or tasks performed by the service animal are directly related to the

1 individual's disability. Work or tasks include assisting individuals who are
2 blind or have low vision with navigation and other tasks, alerting
3 individuals who are deaf or hard of hearing to the presence of people or
4 sounds, providing nonviolent protection or rescue work, pulling a wheelchair,
5 assisting an individual during a seizure, alerting individuals to the
6 presence of allergens, retrieving items such as medicine or the telephone,
7 providing physical support and assistance with balance and stability to
8 individuals with mobility disabilities and helping individuals with
9 psychiatric and neurological disabilities by preventing or interrupting
10 impulsive or destructive behaviors. The crime deterrent effects of an
11 animal's presence and the provision of emotional support, well-being, comfort
12 or companionship do not constitute work or tasks.

13 B. It is not discriminatory to exclude a service animal from a public
14 place if one or more of the following apply:

15 1. The animal poses a direct threat to the health or safety of others.

16 2. The animal fundamentally alters the nature of the public place or
17 the goods, services or activities provided.

18 3. The animal poses an undue burden.

19 C. Public places may maintain a general no pets policy if it is not
20 used to exclude service animals and if it does not grant rights to any person
21 to bring the person's pet into a public place that otherwise does not permit
22 pets.

23 D. A service animal handler is liable for any damage done to a public
24 place by the service animal or service animal in training.

25 E. Any trainer or individual with a disability may take an animal
26 being trained as a service animal to a public place for purposes of training
27 it to the same extent as provided in subsections A, B and C of this section.

28 F. A zoo or wild animal park may prohibit a service animal, including
29 a dog guide or service dog, from any area of the zoo or wild animal park
30 where the service animal may come into direct contact with the animals
31 contained in the zoo or wild animal park. Service animals shall not be
32 excluded from public walkways or sidewalks or from any area that allows for
33 physical barriers between the service animals, dog guides or service dogs and
34 the animals in the zoo or wild animal park. Any zoo or wild animal park that
35 prohibits dog guides and service dogs shall provide without cost adequate
36 facilities for the temporary confinement of dog guides and service dogs. The
37 facilities shall be adequate to accommodate the anticipated attendance of
38 legally blind, OR deaf PERSONS or persons with physical disabilities, shall
39 be in an area not accessible to the general public, shall provide water for
40 the dog guides and service dogs and shall otherwise be safe, clean and
41 comfortable. The zoo or wild animal park on request by a legally blind
42 person who is required to leave that person's dog guide or service dog
43 pursuant to this subsection shall provide a sighted escort if the legally
44 blind person is unaccompanied by a sighted person.

1 G. The driver of a vehicle approaching a legally blind pedestrian who
2 is carrying a cane that is predominately white or metallic in color, who is
3 using a service animal or who is assisted by a sighted person shall yield the
4 right-of-way and take reasonable precautions to avoid injury to the
5 pedestrian and the service animal. The pedestrian has the same rights as any
6 other person whether or not the pedestrian is carrying the cane, using a
7 service animal or being assisted by a sighted person. Drivers shall take the
8 same precautions with respect to pedestrians who have a disability other than
9 blindness and their service animals. A driver who violates this subsection
10 is liable for damages for any injury caused to the pedestrian or the service
11 animal.

12 H. Any person or entity that violates ~~subsections~~ SUBSECTION A,
13 ~~through~~ B, C, D, E, F OR G of this section is guilty of a class 2
14 misdemeanor.

15 I. This section is not intended to affect any civil remedies available
16 for a violation of this section.

17 J. For the purposes of this section:

18 1. "Direct threat to the health or safety of others" means that a
19 significant risk to the health or safety of others exists and cannot be
20 eliminated by modification of policies, practices or procedures or by the
21 provision of auxiliary aids or services.

22 2. "Discriminate" means discriminatory actions prescribed in section
23 41-1492.02 and includes:

24 (a) Refusing to permit an individual with a disability to enter a
25 public place with a service animal or interfering with the individual's right
26 to enter or use the public place.

27 (b) Failing to provide an individual with a disability the same
28 services and access to the same areas of the premises as afforded to others.

29 (c) Attempting to impose a charge, fee or deposit because an
30 individual with a disability is accompanied by a service animal.

31 (d) Requiring an individual with a disability to disclose disability
32 related information. However, a public accommodation may ask if the animal
33 is a service animal being used because of a disability.

34 (e) Requiring provision of identification for the service animal.

35 3. "Individual with a disability" means an individual who has a
36 physical or mental impairment that substantially limits one or more of the
37 major life activities of the individual.

38 4. "Public place" means any office or place of business or recreation
39 to which the general public is invited, whether operated by a public or
40 private entity and includes all forms of conveyance, including taxis, tow
41 trucks and ambulances.

42 5. "Service animal" means any dog or miniature horse that is
43 individually trained OR IN TRAINING to do work or perform tasks for the
44 benefit of an individual with a disability, including a physical, sensory,
45 psychiatric, intellectual or other mental disability. Service animal does

1 not include other species of animals, whether wild or domestic or trained or
2 untrained.

3 6. "Wild animal park" means an entity that is open to the public on a
4 regular basis, that is licensed by the United States department of
5 agriculture as an exhibit and that is operating primarily to conserve,
6 propagate and exhibit wild and exotic animals.

APPROVED BY THE GOVERNOR APRIL 5, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2016.

Passed the House February 17, 2016

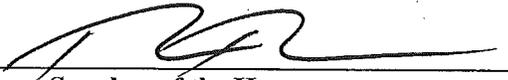
Passed the Senate March 28, 2016

by the following vote: 57 Ayes,

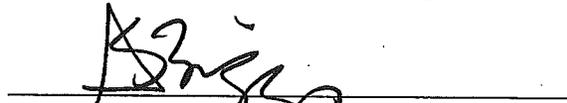
by the following vote: 23 Ayes,

3 Nays, 0 Not Voting

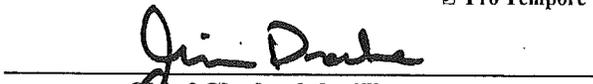
6 Nays, 1 Not Voting



Speaker of the House



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

30 day of March, 2016

at 11 o'clock A. M.

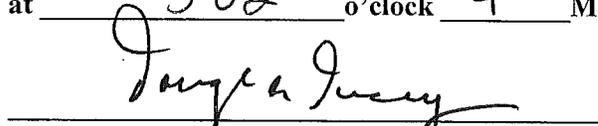


Secretary to the Governor

Approved this 5th day of

April

at 3:02 o'clock P. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6 day of April, 2016

at 8:24 o'clock A. M.



Secretary of State