

1 HB502  
2 128610-1  
3 By Representative Payne  
4 RFD: Judiciary  
5 First Read: 12-APR-11

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8 SYNOPSIS: Under existing law, a person who is blind or  
9 partially blind or hearing impaired may be  
10 accompanied by a guide dog or hearing dog in places  
11 of public accommodation. In addition, a person who  
12 is training a guide dog and is employed by an  
13 accredited school is granted the same privilege. A  
14 violation of this law is a misdemeanor.

15 This bill would provide that a person with a  
16 physical disability may be accompanied by a service  
17 animal specially trained to assist the person with  
18 the disability and would grant a person training a  
19 service animal the same privilege. A violation  
20 would be subject to the same penalty.

21 Amendment 621 of the Constitution of Alabama  
22 of 1901 prohibits a general law whose purpose or  
23 effect would be to require a new or increased  
24 expenditure of local funds from becoming effective  
25 with regard to a local governmental entity without  
26 enactment by a 2/3 vote unless: it comes within one  
27 of a number of specified exceptions; it is approved

1 by the affected entity; or the Legislature  
2 appropriates funds, or provides a local source of  
3 revenue, to the entity for the purpose.

4 The purpose or effect of this bill would be  
5 to require a new or increased expenditure of local  
6 funds within the meaning of Amendment 621. However,  
7 the bill does not require approval of a local  
8 governmental entity or enactment by a 2/3 vote to  
9 become effective because it comes within one of the  
10 specified exceptions contained in Amendment 621.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT  
15

16 To amend Section 21-7-4 of the Code of Alabama 1975,  
17 authorizing a blind or hearing impaired person, or a person  
18 training a guide dog under certain conditions, to be  
19 accompanied by a guide dog or hearing dog; to authorize a  
20 person who is physically disabled to be accompanied by a  
21 service animal, specially trained to assist the disabled  
22 person; to provide that a person training a service animal  
23 would be granted the same privileges; and in connection  
24 therewith would have as its purpose or effect the requirement  
25 of a new or increased expenditure of local funds within the  
26 meaning of Amendment 621 of the Constitution of Alabama of  
27 1901.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 21-7-4 of the Code of Alabama  
3 1975, is amended to read as follows:

4 "§21-7-4.

5 "(a) For the purposes of this section, the term  
6 "service animal" means a guide dog, hearing dog, signal dog,  
7 or other animal specially trained or being trained to assist a  
8 person with a physical disability.

9 "(b) Every person with a disability, including a  
10 person who is totally or partially blind, ~~person shall have~~  
11 ~~the right to be accompanied by a guide dog, especially trained~~  
12 ~~for the purpose, and every hearing-impaired, or diagnosed on~~  
13 ~~the autism spectrum~~ person shall have the right to be  
14 accompanied by a hearing dog service animal, especially  
15 ~~trained for the purpose, and every person employed by an~~  
16 ~~accredited school for training guide dogs shall have the right~~  
17 ~~to be accompanied by a guide dog in training in any public~~  
18 ~~place, including a public or private school, and any of the~~  
19 ~~places listed in Section 21-7-3. without being~~ The person may  
20 not be required to pay an extra charge for the dog however,  
21 ~~the person shall be liable for any damages done to the~~  
22 ~~premises or facilities by the dog~~ service animal.

23 "(c) A person training a service animal shall be  
24 entitled to the same privileges granted to a person with a  
25 disability pursuant to subsection (b).

26 "(d) In the case of a disabled child, including a  
27 child diagnosed on the autism spectrum, any aide assigned to

1 assist the child shall be trained with the service animal in  
2 basic commands in order to assist the child as a team.

3 "(e) This section does not relieve a person  
4 accompanied by a service animal from liability for any damages  
5 done to the premises or facilities by the service animal."

6 Section 2. Although this bill would have as its  
7 purpose or effect the requirement of a new or increased  
8 expenditure of local funds, the bill is excluded from further  
9 requirements and application under Amendment 621 because the  
10 bill defines a new crime or amends the definition of an  
11 existing crime.

12 Section 3. This act shall become effective on the  
13 first day of the third month following its passage and  
14 approval by the Governor, or its otherwise becoming law.