

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 113

FISCAL
NOTE

BY SENATORS TRUMP AND BOSO

[Introduced January 10, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §5-15-3 of the Code of West Virginia, 1931, as amended, relating
2 to improper use or representation of a service animal; penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. WHITE CANE LAW.

§5-15-3. Definitions; fraudulent representation of a service animal.

1 For the purpose of this article:

2 (a) A "person who is blind" means a person whose central visual acuity does not exceed
3 twenty/two hundred in the better eye with correcting lenses, or whose visual acuity is greater than
4 twenty/two hundred but is occasioned by a limitation in the fields of vision such that the widest
5 diameter of the visual field subtends an angle no greater than twenty degrees.

6 (b) A "person with a disability" means any person who has a physical or mental impairment
7 that substantially limits one or more of the major life activities of the individual; who has a record
8 of such an impairment or who is regarded as having such an impairment.

9 (c) A "service animal" means any guide dog, signal dog or other animal ~~individually~~
10 specialy trained to do work or perform tasks for the benefit of an individual with a disability,
11 including, but not limited to, guiding individuals with impaired vision, alerting individuals with
12 impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a
13 wheelchair or fetching dropped items.

14 (d) A person who uses a service animal with a harness or leash of the type commonly
15 used by persons with disabilities who use trained animals, in order to represent that his or her
16 animal is a specially trained service animal when training has not in fact been provided, is guilty
17 of a misdemeanor and, on conviction thereof shall be fined not more than \$100 and required to
18 perform 30 hours of community service for a governmental entity or nonprofit organization that
19 primarily serves persons with visual impairments or other disabilities, or for another entity or
20 organization at the discretion of the court, to be completed in not more than one year.

NOTE: The purpose of this bill is to prevent fraudulent representation of untrained

companion animals as trained service animals.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.