

Senate Bill No. 318

(By Senators Kessler (Acting President), Unger and Klempa)

[Introduced January 27, 2011; referred to the Committee on Health and Human Resources; and then to the Committee on Finance.]

A BILL to amend and reenact §5-15-4 of the Code of West Virginia, 1931, as amended, relating to requiring that handicap restroom facilities and stalls in all public places be constructed with two handrails or grab bars to accommodate persons in wheelchairs and other persons who need assistance.

Be it enacted by the Legislature of West Virginia:

That §5-15-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 15. WHITE CANE LAW.

§5-15-4. Equal right to use public facilities; service animals and trainers.

(a) A person who is blind or is a person with a disability ~~shall have~~ has the same rights as other persons to the full and free use of the highways, roads, streets, sidewalks, walkways, public buildings, public facilities and other public places.

(b) Any person who is blind and any person with a disability is entitled to full and equal accommodations, advantages,

1 facilities and privileges of all common carriers, airplanes, motor
 2 vehicles, railroad trains, motor buses, streetcars, boats or any
 3 other public conveyances or modes of transportation, hotels,
 4 lodging places, restaurants, professional offices for health or
 5 legal services, hospitals, other places of public accommodation,
 6 amusement or resort, and other places, including places of
 7 employment, to which the general public is invited, subject only to
 8 the conditions and limitations established by law and applicable
 9 alike to all persons.

10 (c) Every person who is blind, every person with a hearing
 11 impairment and every person with a disability ~~shall have~~ has the
 12 right to be accompanied by a service animal in any of the places,
 13 accommodations or conveyances specified in subsection (b) of this
 14 section without being required to pay an extra charge for the
 15 admission of the service animal. The person who is blind, deaf or
 16 has a disability ~~shall be~~ is liable for any damage done by the
 17 service animal to the premises or facilities or to persons using
 18 the premises or facilities: *Provided*, That the person who is
 19 blind, deaf or has a disability ~~shall not be~~ is not liable for any
 20 damage done by the service animal to any person or the property of
 21 a person who has contributed to or caused the service animal's
 22 behavior by inciting or provoking the behavior. A service animal
 23 ~~shall~~ may not occupy a seat in any public conveyance and shall be
 24 upon a leash while using the facilities of a common carrier.

25 (d) The rights, privileges and responsibilities provided by
 26 this section also apply to any person who is certified as a trainer

1 of a service animal while he or she is engaged in the training.

2 (e) A service animal as defined by section three of this
3 article is not required to be licensed or certified by a state or
4 local government, nor ~~shall there be~~ is there any requirement for
5 the specific signage or labeling of a service animal.

6 (f) After the effective date of the amendment to this section
7 during the 2011 legislative session, handicap restroom facilities
8 and stalls in all public places with handicap accommodations shall
9 be constructed with two handrails or grab bars to accommodate
10 persons in wheelchairs and other persons who need assistance.

NOTE: The purpose of this bill is to require handicap restroom facilities and stalls in all public places be constructed with two handrails or grab bars to accommodate persons in wheelchairs and other persons who need assistance.

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