

H. B. 4455

(By Delegates Caputo, Manchin, Longstreth, Hunt,
Barill, Marshall, Talbott and Moore)

[Introduced February 8, 2012; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

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 colleges and universities be
constructed with automatic doors 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

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

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

1 shall be upon a leash while using the facilities of a common
2 carrier.

3 (d) The rights, privileges and responsibilities provided by
4 this section also apply to any person who is certified as a trainer
5 of a service animal while he or she is engaged in the training.

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

10 (f) After the effective date of the amendment to this section
11 during the 2012 regular legislative session, handicap restroom
12 facilities and stalls in all colleges and universities with
13 handicap accommodations shall be constructed with automatic doors
14 to accommodate persons in wheelchairs and other persons who need
15 assistance.

NOTE: The purpose of this bill is to require handicap restroom facilities and stalls in all colleges and universities be constructed with automatic doors 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.