

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 167-D

HEARING EAR DOGS, GUIDE DOGS, SERVICE DOGS, AND SEARCH AND RESCUE DOGS

Section 167-D:1

167-D:1 Definitions. – As used in this chapter:

I. "Deaf or hearing impaired person" means any person whose hearing is so severely impaired that he is unable to hear and understand normal conversational speech through the unaided ear alone, and who must depend primarily on supportive devices or visual communication such as writing, lip reading, sign language, and gestures.

II. "Hearing ear dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of deaf and hearing impaired as reputable and competent to provide dogs with training, and who is actually involved in the training process.

III. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

IV. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally or customarily permitted or invited.

V. A "place of public accommodation" shall mean, but shall not be limited to, any tavern roadhouse, hotel, motel, trailer camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store establishment, or concession dealing with goods or services of any kind; any restaurant, eating house or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage; any public conveyance operated on land or water, or in the air, or any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or any other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the state board of education, or the commissioner of education of the state of New Hampshire.

VI. "Blind or visually impaired person" means any person whose vision is so severely impaired that he is unable to see adequately, and who must rely primarily on supportive devices such as a white cane, or on Braille symbols.

VII. "Guide dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of blind and visually impaired as reputable and competent to provide dogs with training, and who is actually involved in the training process.

VIII. "Mobility impaired person" means any person, regardless of age, who is subject to a

physiological defect or deficiency regardless of its cause, nature or extent that renders the person unable to move about without the aid of crutches, a wheelchair or other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function.

IX. "Service dog" means a dog who works for a mobility impaired person or a person with a seizure disorder diagnosed by a physician.

X. "Service dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of mobility impaired persons as reputable and competent to provide dogs with training, and who is actually involved in the training process.

XI. "Search and rescue dog" means any dog which has been trained to perform typical search and rescue operations and is certified by a competent authority or holds a title from a competent authority or organization recognized by the office of the governor, department of safety, department of fish and game, or the Federal Emergency Management Agency or its successor agency.

Source. 1983, 275:1. 1987, 404:24. 1989, 45:2. 1990, 131:4. 1996, 256:4, eff. June 10, 1996. 2008, 214:1, eff. Jan. 1, 2009.

Section 167-D:2

167-D:2 Private Clubs, etc. – Nothing herein contained shall be construed to include or apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using good faith criteria other than race, creed, color, national origin, ancestry or disability in admission of students.

Source. 1983, 275:1. 1990, 140:2, XI, eff. June 18, 1990.

Section 167-D:3

167-D:3 Dogs May Accompany. – It is lawful for any hearing ear dog, guide dog, or service dog to accompany his or her deaf or hearing impaired, blind or visually impaired, or mobility impaired master or a master with a seizure disorder diagnosed by a physician into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Source. 1983, 275:1. 1987, 404:25. 1989, 45:3. 1990, 131:4, eff. June 18, 1990. 2008, 214:2, eff. Jan. 1, 2009.

Section 167-D:3-a

167-D:3-a Application of RSA 167-D:3 to Search and Rescue Dogs. – The provisions of RSA 167-D:3 shall also apply to dogs involved in search and rescue missions at the request of a government agency when such dogs are in the course of, or traveling to or from the scene of, their official duties.

Source. 1996, 256:5, eff. June 10, 1996.

Section 167-D:4

167-D:4 Hearing Ear Dog, Guide Dog, or Service Dog Trainer. – A hearing ear dog, guide dog, or service dog trainer, while engaged in the actual training process and activities of such dogs, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to a deaf or hearing impaired, blind or visually impaired, or mobility impaired person.

Source. 1983, 275:1. 1987, 404:25. 1989, 45:4. 1990, 131:4, eff. June 18, 1990.

Section 167-D:5

167-D:5 Hearing Ear Dog, Guide Dog, or Service Dog Identified. –

I. Any deaf or hearing impaired person using a hearing ear dog shall provide the dog with a leash and harness colored international orange.

II. Any blind or visually impaired person using a guide dog shall provide the dog with a leash and harness designed specifically for this purpose.

III. Any mobility impaired person using a service dog shall provide the dog with a leash colored blue and yellow.

Source. 1983, 275:1. 1987, 404:25. 1989, 45:5. 1990, 131:1, eff. June 18, 1990.

Section 167-D:6

167-D:6 Licensing. – Hearing ear dogs, guide dogs and service dogs shall be licensed as provided in RSA 466.

Source. 1983, 275:1. 1987, 404:25. 1989, 45:6. 1990, 131:4, eff. June 18, 1990.

Section 167-D:7

167-D:7 Prohibited Acts. –

I. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a visually, hearing, or mobility impaired master who otherwise complies with the limitations applicable to persons with normal hearing, sight, or mobility.

II. It is unlawful for any person to fit a dog with a collar, leash, or harness of the type which represents that the dog is a hearing ear dog, guide dog, or service dog, if in fact said dog is not and to thus use the dog to misrepresent the physical status of said person.

III. It is unlawful for any person to willfully interfere or attempt to interfere with a service dog, as defined in RSA 167-D:1, IX.

Source. 1983, 275:1. 1987, 404:25. 1989, 45:7. 1990, 131:4, eff. June 18, 1990. 2005, 142:2, eff. June 17, 2005.

Section 167-D:8

167-D:8 Nonuse of Hearing Ear Dog, Guide Dog, or Service Dog. – A deaf or hearing impaired, blind or visually impaired, or mobility impaired person not using a guide dog in any of the places, accommodations or conveyances listed in RSA 167-D shall have all of the rights and privileges

conferred by law upon other persons; and the failure of a deaf or hearing impaired, blind or visually impaired, or mobility impaired person to use a hearing ear dog, guide dog, or service dog in those places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

Source. 1983, 275:1. 1987, 404:25. 1989, 45:8. 1990, 131:4, eff. June 18, 1990.

Section 167-D:9

167-D:9 Penalty. –

- I. Any person violating any provision of this chapter shall be guilty of a misdemeanor.
- II. Any person who purposely tortures, beats, kicks, strikes, mutilates, injures, or disables a service dog, or who purposely causes the death of a service dog shall be guilty of a class A misdemeanor.

Source. 1983, 275:1, eff. Aug. 17, 1983. 2005, 142:3, eff. June 17, 2005.