

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 431

An Act to amend and reenact § 51.5-44 of the Code of Virginia, relating to public entities; rights of persons with disabilities.

[H 214]

Approved March 7, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-44 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-44. Rights of persons with disabilities in public places and places of public accommodation.

A. A person with a disability has the same rights as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

B. A person with a disability is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, subways, boats or any other public conveyances or modes of transportation, restaurants, hotels, lodging places, places of public accommodation, amusement or resort, *public entities including schools*, and other places to which the general public is invited subject only to the conditions and limitations established by law and applicable alike to all persons.

C. Each town, city or county, individually or through transportation district commissions, shall ensure that persons with disabilities have access to the public transportation within its jurisdiction by either (i) use of the same transportation facilities or carriers available to the general public or (ii) provision of paratransit or special transportation services for persons with disabilities or (iii) both. All persons with disabilities in the jurisdiction's service area who, by reason of their disabilities, are unable to use the service for the general public shall be eligible to use such paratransit or special transportation service. No fee that exceeds the fee charged to the general public shall be charged a person with a disability for the use of the same transportation facilities or carriers available to the general public. Paratransit or special transportation service for persons with disabilities may charge fees to such persons comparable to the fees charged to the general public for similar service in the jurisdiction service area, taking into account especially the type, length and time of trip. Any variance between special service and regular service fares shall be justifiable in terms of actual differences between the two kinds of service provided.

D. Nothing in this title shall be construed to require retrofitting of any public transit equipment or to require the retrofitting, renovation, or alteration of buildings or places to a degree more stringent than that required by the applicable building code in effect at the time the building permit for such building or place is issued.

E. Every totally or partially blind person shall have the right to be accompanied by a dog, in harness, trained as a guide dog, every deaf or hearing-impaired person shall have the right to be accompanied by a dog trained as a hearing dog on a blaze orange leash, and every mobility-impaired person shall have the right to be accompanied by a dog, in a harness or backpack, trained as a service dog in any of the places listed in subsection B without being required to pay an extra charge for the dog; provided that he shall be liable for any damage done to the premises or facilities by such dog. The provisions of this section shall apply to persons accompanied by a dog that is in training, at least six months of age, and is (i) in harness, provided such person is an experienced trainer of guide dogs; (ii) on a blaze orange leash, provided such person is an experienced trainer of hearing dogs; (iii) in a harness or backpack, provided such person is an experienced trainer of service dogs; or (iv) wearing a jacket identifying the recognized guide, hearing or service dog organization, provided such person is an experienced trainer of the organization identified on the jacket.

As used in this chapter, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

As used in this chapter, "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

As used in this chapter, "mobility-impaired person" means any person who has completed training to use a dog for service or support because he is unable to move about without the aid of crutches, a wheelchair or any other form of support or because of limited functional ability to ambulate, climb, descend, sit, rise or perform any related function.