

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 108

An Act to amend and reenact §§ 3.1-796.87 and 51.5-44 of the Code of Virginia, relating to use of certain dogs by persons with disabilities.

[S 319]

Approved March 28, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.87 and 51.5-44 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-796.87. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any county, city or town which has adopted an ordinance pursuant to subsection B of § 3.1-796.85 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than one dollar and not more than ten dollars for each year. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for a license tax for kennels of ten, twenty, thirty, forty or fifty dogs not to exceed fifty dollars for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person ~~or~~, that is trained and serves as a hearing dog for a deaf or hearing impaired person *or that is trained and serves as a service dog for a mobility-impaired person.*

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

§ 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, 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 which 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; (i) in harness, which is in training as a guide dog, provided such persons are either trainers certified by an accredited school for person is an experienced trainer of guide dogs ~~or legally blind~~; (ii) on a blaze orange leash, which is in training as a hearing

dog, provided such person is an experienced trainer of hearing dogs; or (iii) in a harness or backpack, which is in training as a service dog, provided such person is an experienced trainer of service dogs.

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.