

State of Wisconsin



2005 Senate Bill 157

Date of enactment: **April 19, 2006**

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2005 WISCONSIN ACT 354

AN ACT to repeal 174.056 (title), 174.056 (1) (a), 174.056 (1) (b) and 174.056 (2); to renumber and amend 174.056 (1) (intro.); to amend 346.26 (1) and 346.26 (2); and to create 106.52 (1) (fm), 106.52 (3) (am) 2., 106.52 (3) (am) 3. and 106.52 (3) (am) 4. of the statutes; relating to: the full and equal enjoyment of a public place of accommodation or amusement by a person with a disability who is accompanied by a service animal.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 106.52 (1) (fm) of the statutes is created to read:

106.52 (1) (fm) "Service animal" means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

SECTION 2. 106.52 (3) (am) 2. of the statutes is created to read:

106.52 (3) (am) 2. The prohibitions specified in subd. 1. apply to a service animal trainer only if the animal accompanying the service animal trainer is wearing a harness or a leash and special cape. Subdivision 1. does not prohibit a person who is accompanied by an animal from being asked whether the animal is a service animal that is required because of a disability or is an animal that is being trained to be a service animal and does not prohibit a service animal trainer from being required to produce a certification or other credential issued by a school for training service animals that the animal is being

trained to be a service animal. Subdivision 1. prohibits a person with a disability from being required to produce documentation of his or her disability or a certification or other credential that the animal is trained as or is being trained to be a service animal.

SECTION 3. 106.52 (3) (am) 3. of the statutes is created to read:

106.52 (3) (am) 3. A person may exclude a service animal from a public place of accommodation or amusement if accommodation of the service animal would result in a fundamental alteration in the nature of the accommodations, amusement, goods, or services provided or would jeopardize the safe operation of the public place of accommodation or amusement. If a service animal must be separated from the person whom the service animal is accompanying, it is the responsibility of that person to arrange for the care and supervision of the service animal during the period of separation.

SECTION 4. 106.52 (3) (am) 4. of the statutes is created to read:

106.52 (3) (am) 4. A public place of accommodation or amusement shall modify its policies, practices, and procedures to permit the full and equal enjoyment of the public place of accommodation or amusement by a person with a disability or a service animal trainer who is accompanied by a service animal. Those policies, prac-

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

tices, and procedures shall ensure that a person with a disability or a service animal trainer who is accompanied by a service animal is not separated from the service animal, that the service animal is permitted to accompany the person with a disability or the service animal trainer to all areas of the public place of accommodation or amusement that are open to the general public, and that the person with a disability or the service animal trainer is not segregated from other patrons of the public place of accommodation or amusement.

SECTION 5. 174.056 (title) of the statutes is repealed.

SECTION 6. 174.056 (1) (intro.) of the statutes is renumbered 106.52 (3) (am) 1. and amended to read:

106.52 (3) (am) 1. ~~No person who is an owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, amusement or recreation, including any inn, hotel, restaurant, eating place, barbershop, billiard parlor, store, public conveyance on land or water, theater, motion picture house, public educational institution or elevator, Subject to subds. 2., 3., and 4., no person~~ may refuse to permit entrance into, or use of, ~~any such accommodations, if the accommodations are available, to a blind, deaf or mobility-impaired person for the reason that the person is being led by a dog specially trained, or being specially trained, to lead blind or deaf persons or to provide support for mobility-impaired persons, or to the trainer of that kind of dog for the reason that the trainer is accompanied by that kind of dog if: or otherwise deny the full and equal enjoyment of any public place of accommodation or amusement to a person with a disability or to a service animal trainer because the person with a disability or the trainer is accompanied by a service animal; charge a person with a disability or a service animal trainer a higher price than the regular rate, including a deposit or surcharge, for the full and equal enjoyment of any public place of accommodation or amusement because the person with a disability or the trainer is accompanied by a service animal; or directly or indirectly publish, circulate, display, or~~

mail any written communication that the communicator knows is to the effect that entrance into, or use of, or the full and equal enjoyment of any of the facilities of the public place of accommodation or amusement will be denied to a person with a disability or a service animal trainer because the person with a disability or the trainer is accompanied by a service animal or that the patronage of a person with a disability or a service animal trainer is unwelcome, objectionable, or unacceptable because the person with a disability or the trainer is accompanied by a service animal.

SECTION 7. 174.056 (1) (a) of the statutes is repealed.

SECTION 8. 174.056 (1) (b) of the statutes is repealed.

SECTION 9. 174.056 (2) of the statutes is repealed.

SECTION 10. 346.26 (1) of the statutes is amended to read:

346.26 (1) An operator of a vehicle shall stop the vehicle before approaching closer than 10 feet to a pedestrian who is carrying a cane or walking stick which is white in color or white trimmed with red and which is held in an extended or raised position or who is using a dog guide service animal, as defined in s. 106.52 (1) (fm), and shall take such precautions as may be necessary to avoid accident or injury to the pedestrian. The fact that the pedestrian may be violating any of the laws applicable to pedestrians does not relieve the operator of a vehicle from the duties imposed by this subsection.

SECTION 11. 346.26 (2) of the statutes is amended to read:

346.26 (2) Nothing in this section shall be construed to deprive any totally or partially blind person not carrying the white or the red and white cane or walking stick or not using a dog guide service animal, as defined in s. 106.52 (1) (fm), of the rights of other pedestrians crossing highways, nor shall the failure of such totally or partially blind pedestrian to carry such cane or walking stick or to use a dog guide service animal be evidence of any negligence.