



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 354
[2005 Senate Bill 157]

**Service Animals for Persons
With Disabilities**

2005 Wisconsin Act 354 makes a number of changes in the laws dealing with use of public places of accommodation or amusement by a person with a disability who is accompanied by a service animal:

- Under prior law, the prohibition on discrimination applied to a person accompanied by a specially trained dog. Under the Act, the prohibition applies to a person accompanied by a service animal. The term “service animal” is defined in the Act as follows:

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.

- Under prior law, the prohibition was on refusing entrance into, or use of, places of public accommodation, amusement, or recreation. The Act prohibits places of public accommodation or amusement from: (1) refusing entrance into, or use of, or otherwise denying the full and equal enjoyment of the places to a person with a disability or to a service animal trainer because they are accompanied by a service animal; (2) charging such a person a higher price than the regular rate because they are accompanied by a service animal; or (3) directly or indirectly publishing, circulating, displaying, or mailing any written communication that the communicator knows is to the effect that entrance into, use of, or the full and equal enjoyment of the place will be denied to such a person because they are accompanied by a service animal or that patronage of such a person is unwelcome, objectionable, or unacceptable.
- The Act adds a provision to the law stating that a person may exclude a service animal from a public place of accommodation or amusement if accommodation of the service animal would

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

result in a fundamental alteration in the nature of the accommodation, amusement, goods, or services provided or would jeopardize the safe operation of the place. In addition, the Act provides that 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 animal during the period of separation.

- The Act adds a provision to the law requiring a public place of accommodation or amusement to modify its policies, practices, and procedures to permit the full and equal enjoyment of the place by a person with a disability or a service animal trainer accompanied by a service animal, to ensure that: (1) the person is not separated from the service animal; (2) the service animal is permitted to accompany the person to all areas that are open to the general public; and (3) the person is not segregated from other patrons.
- Under prior law, in order for the prohibition on discrimination to apply, the dog must wear a harness or a leash and special cape. The Act states that the provision requiring a service animal to wear a harness or a leash and special cape applies only to a service animal accompanying a service animal trainer.
- Under prior law, in order for the prohibition on discrimination to apply, the person accompanied by the dog must present, for inspection, credentials issued by a school for training dogs for the blind, deaf, or mobility-impaired. The Act eliminates this requirement and substitutes a provision that states that a person who is accompanied by an animal may be 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. In addition, a service animal trainer may be required to produce a certification or other credential issued by a school for training service animals that the animal is being trained. However, a person with a disability may not be 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.
- Prior law provided that a violator was subject to a fine of not more than \$100, imprisonment for not more than 30 days, or both.

The Act moves the amended statute from the chapter of the statutes relating to dogs into the section of the statutes that deals with discrimination in public places of accommodation or amusement. Therefore, under the Act, persons who violate the prohibition are subject to the penalties imposed under the statute dealing with discrimination in public places of accommodation or amusement. A person who willfully violates the statute or any lawful order issued under the statute must, for the first violation, forfeit not less than \$100 nor more than \$1,000. For every subsequent violation within five years, the person must forfeit not less than \$1,000 nor more than \$10,000. Also, a person, including the state, alleging a violation of the statute may bring a civil action for appropriate injunctive relief, for damages including punitive damages and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees. In addition, the Department of Workforce Development (DWD) may receive and investigate complaints regarding violations of the statute and may take specified actions, including filing in circuit court for temporary relief or a restraining order.

Effective Date: The Act takes effect on May 3, 2006.

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RNS:rv