
A BILL FOR AN ACT

RELATING TO SERVICE ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that certain references
2 to service animals in state law are either obsolete or
3 inconsistent with federal law. Accordingly, the purpose of this
4 Act is to:

5 (1) Clarify section 143-4, Hawaii Revised Statutes,
6 regarding dog licensing, to appropriately conform
7 provisions applicable to service dogs with the
8 Americans with Disabilities Act (ADA) Public Law 101-
9 336;

10 (2) Conform section 347-13, Hawaii Revised Statutes,
11 relating to public conveyances, to Titles II and III
12 of the Americans with Disabilities Act, codified as
13 Title 42 United States Code Sections 12131 through
14 12165, and Sections 12181 through 12189, respectively;
15 and

16 (3) Conform section 515-3, Hawaii Revised Statutes,
17 regarding discriminatory practices in real estate



1 transactions, to the federal Fair Housing Act, Public
2 Law 100-430.

3 SECTION 2. Section 143-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§143-4 Issuance of license and tags.** Upon the receipt of
6 the license fee, the director of finance shall issue to the
7 person paying the fee a license stating the following:

- 8 (1) The name and address of the person to whom the license
- 9 is issued;
- 10 (2) The year for which the license is paid;
- 11 (3) The date of payment;
- 12 (4) A description of the dog for which the license is
- 13 issued; and
- 14 (5) The number of the metal tag issued for the dog[~~and~~
- 15 ~~(6) Any dog approved by the director of finance pursuant~~
- 16 ~~to rules established by the director to be a guide,~~
- 17 ~~signal, or service dog shall be so designated on the~~
- 18 ~~license].~~

19 The director of finance shall at the same time issue and
20 deliver to the person a metal tag of such form and design as the
21 director of finance may designate with a serial number and the
22 year for which it is issued plainly inscribed thereon, which tag



1 shall be attached to a collar around the neck of the dog for
2 which the license has been issued. The fee for the tag shall be
3 set by each county council; provided that, until and unless
4 provided by ordinance, the fee shall be 10 cents.

5 ~~[The director of finance, pursuant to chapter 91, shall~~
6 ~~adopt rules for the licensing of guide, signal, and service~~
7 ~~dogs.] "~~

8 SECTION 3. Section 347-13, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§347-13 ~~[Blind, partially blind, physically handicapped,]~~
11 Persons who are blind, visually impaired, disabled; public
12 places; public conveyances. (a) ~~[The blind, visually~~
13 ~~handicapped,]~~ Persons who are blind, visually impaired, and
14 otherwise ~~[physically]~~ disabled are entitled to full and equal
15 accommodations, advantages, facilities, and privileges of all
16 common carriers, airplanes, motor vehicles, railroad trains,
17 motor buses, street cars, boats, or any other public conveyances
18 or modes of transportation, hotels, lodging places, places of
19 public accommodation, amusement, or resort, and other places to
20 which the general public is invited, subject only to the
21 conditions and limitations established by law and applicable
22 alike to all persons.



1 (b) Every person who is blind, deaf, [or] visually
2 impaired, or [physically handicapped person] disabled shall have
3 the right to be accompanied by a [~~guide, signal, or~~] service
4 dog, especially trained for the purpose[~~7~~] of assisting the
5 person, in any of the places listed in subsection (a) without
6 being required to pay an extra charge for the [~~guide, signal,~~
7 ~~or~~] service dog; provided that the [~~blind, deaf, or visually or~~
8 ~~physically handicapped~~] person shall be liable for any damage
9 done to the premises or facilities by such dog. No such dog
10 shall be considered dangerous merely because it is unmuzzled.

11 ~~[(c) Every physically handicapped disabled person shall~~
12 ~~have the right to use a life jacket or other flotation device in~~
13 ~~a public swimming pool, provided that:~~

14 ~~(1) The handicapped person with a physical disability~~
15 ~~suffers from a physical disability or condition which~~
16 ~~that requires the use of a life jacket or other~~
17 ~~flotation device; and~~

18 ~~(2) The handicapped person with a physical disability~~
19 ~~obtains a statement signed by a licensed physician or~~
20 ~~physician assistant attesting to the handicapped~~
21 ~~person's need to use a life jacket or other flotation~~
22 ~~device.~~



1 ~~(d) The director of human services shall adopt rules~~
2 ~~pursuant to chapter 91 necessary for the purposes of this~~
3 ~~section.] For purposes of this section:~~

4 "Service dog" means any dog that is individually trained to
5 do work or perform tasks for the benefit of an individual with a
6 disability, including a physical, sensory, intellectual, or
7 other mental disability."

8 SECTION 4. Section 515-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§515-3 Discriminatory practices.** It is a discriminatory
11 practice for an owner or any other person engaging in a real
12 estate transaction, or for a real estate broker or salesperson,
13 because of race, sex, including gender identity or expression,
14 sexual orientation, color, religion, marital status, familial
15 status, ancestry, disability, age, or human immunodeficiency
16 virus infection:

- 17 (1) To refuse to engage in a real estate transaction with
18 a person;
- 19 (2) To discriminate against a person in the terms,
20 conditions, or privileges of a real estate transaction
21 or in the furnishing of facilities or services in



1 connection [~~therewith;~~] with a real estate
2 transaction;

3 (3) To refuse to receive or to fail to transmit a bona
4 fide offer to engage in a real estate transaction from
5 a person;

6 (4) To refuse to negotiate for a real estate transaction
7 with a person;

8 (5) To represent to a person that real property is not
9 available for inspection, sale, rental, or lease when
10 in fact it is available, or to fail to bring a
11 property listing to the person's attention, or to
12 refuse to permit the person to inspect real property,
13 or to steer a person seeking to engage in a real
14 estate transaction;

15 (6) To print, circulate, post, or mail, or cause to be
16 published a statement, advertisement, or sign, [~~or~~] to
17 use a form of application for a real estate
18 transaction, or to make a record or inquiry in
19 connection with a prospective real estate transaction,
20 that indicates, directly or indirectly, an intent to
21 make a limitation, specification, or discrimination
22 with respect [~~thereto;~~] to a real estate transaction;



1 (7) To offer, solicit, accept, use, or retain a listing of
2 real property with the understanding that a person may
3 be discriminated against in a real estate transaction
4 or in the furnishing of facilities or services in
5 connection [~~therewith,~~] with a real estate
6 transaction;

7 ~~[(8) To refuse to engage in a real estate transaction with~~
8 ~~a person or to deny equal opportunity to use and enjoy~~
9 ~~a housing accommodation due to a disability because~~
10 ~~the person uses the services of a guide dog, signal~~
11 ~~dog, or service animal; provided that reasonable~~
12 ~~restrictions or prohibitions may be imposed regarding~~
13 ~~excessive noise or other problems caused by those~~
14 ~~animals. For the purposes of this paragraph:~~

15 ~~"Blind" shall be as defined in section 235-1;~~

16 ~~"Deaf" shall be as defined in section 235-1;~~

17 ~~"Guide dog" means any dog individually trained by~~
18 ~~a licensed guide dog trainer for guiding a blind~~
19 ~~person by means of a harness attached to the dog and a~~
20 ~~rigid handle grasped by the person;~~

21 ~~"Reasonable restriction" shall not include any~~
22 ~~restriction that allows any owner or person to refuse~~



1 ~~to negotiate or refuse to engage in a real estate~~
2 ~~transaction; provided that as used in this paragraph,~~
3 ~~the "reasonableness" of a restriction shall be~~
4 ~~examined by giving due consideration to the needs of a~~
5 ~~reasonable prudent person in the same or similar~~
6 ~~circumstances. Depending on the circumstances, a~~
7 ~~"reasonable restriction" may require the owner of the~~
8 ~~service animal, guide dog, or signal dog to comply~~
9 ~~with one or more of the following:~~

10 ~~(A) Observe applicable laws including leash laws and~~
11 ~~pick up laws;~~

12 ~~(B) Assume responsibility for damage caused by the~~
13 ~~dog; or~~

14 ~~(C) Have the housing unit cleaned upon vacating by~~
15 ~~fumigation; deodorizing; professional carpet~~
16 ~~cleaning; or other method appropriate under the~~
17 ~~circumstances.~~

18 ~~The foregoing list is illustrative only, and neither~~
19 ~~exhaustive nor mandatory;~~

20 ~~"Service animal" means any animal that is trained~~
21 ~~to provide those life activities limited by the~~
22 ~~disability of the person;~~



1 ~~"Signal dog" means any dog that is trained to~~
2 ~~alert a deaf person to intruders or sounds;~~

3 [~~(9)~~] (8) To solicit or require as a condition of engaging
4 in a real estate transaction that the buyer, renter,
5 or lessee be tested for human immunodeficiency virus
6 infection, the causative agent of acquired
7 immunodeficiency syndrome;

8 [~~(10)~~] (9) To refuse to permit, at the expense of a person
9 with a disability, reasonable modifications to
10 existing premises occupied or to be occupied by the
11 person if modifications may be necessary to afford the
12 person full enjoyment of the premises[~~—A~~]; provided
13 that a real estate broker or salesperson, where it is
14 reasonable to do so, may condition permission for a
15 modification on the person agreeing to restore the
16 interior of the premises to the condition that existed
17 before the modification, reasonable wear and tear
18 excepted;

19 [~~(11)~~] (10) To refuse to make reasonable accommodations in
20 rules, policies, practices, or services, when the
21 accommodations may be necessary to afford a person
22 with a disability equal opportunity to use and enjoy a



1 housing accommodation; provided that when making a
2 reasonable accommodation for the use of an animal,
3 reasonable restrictions may be imposed;

4 [~~12~~] (11) In connection with the design and construction
5 of covered multifamily housing accommodations for
6 first occupancy after March 13, 1991, to fail to
7 design and construct housing accommodations in such a
8 manner that:

9 (A) The housing accommodations have at least one
10 accessible entrance, unless it is impractical to
11 do so because of the terrain or unusual
12 characteristics of the site; and

13 (B) With respect to housing accommodations with an
14 accessible building entrance:

15 (i) The public use and common use portions of
16 the housing accommodations are accessible to
17 and usable by [~~disabled~~] persons[+] with
18 disabilities;

19 (ii) Doors allow passage by persons in
20 wheelchairs; and

21 (iii) All premises within covered multifamily
22 housing accommodations contain an accessible



1 route into and through the housing
2 accommodations; light switches, electrical
3 outlets, thermostats, and other
4 environmental controls are in accessible
5 locations; reinforcements in the bathroom
6 walls allow installation of grab bars; and
7 kitchens and bathrooms are accessible by
8 wheelchair; or

9 ~~[(13)]~~ (12) To discriminate against or deny a person access
10 to, or membership or participation in any multiple
11 listing service, real estate broker's organization, or
12 other service, organization, or facility involved
13 either directly or indirectly in real estate
14 transactions, or to discriminate against any person in
15 the terms or conditions of such access, membership, or
16 participation."

17 SECTION 5. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 6. If any provision of this Act, or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity does not affect other provisions or



1 applications of the Act, which can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Service Animals; Definitions; ADA Rules; FHA

Description:

Amends certain laws regarding the use of service animals in statutes relating to dog licensing, public conveyances, and discriminatory practices in real estate transactions to address issues with obsolescence and inconsistency with the ADA and FHA.
(SB892 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

