

TITLE 40

Human services

CHAPTER 40-9.1

Equal Rights of Blind and Deaf Persons to Public Facilities

SECTION 40-9.1-3

§ 40-9.1-3 Penalty for injuring or interfering with a personal assistance animal – Civil actions – Damages – Cost and attorney's fees.

(a) It is unlawful for any person, corporation or the agent of any corporation to:

(1) Withhold, deny, deprive or attempt to withhold, deny or deprive any other person of any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

(2) Intimidate, threaten, coerce, or attempt to threaten, intimidate or coerce any other person to interfere with any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

(3) Punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

(b) It is unlawful for any person to injure a personal assistance animal and shall be liable for the injuries to the assistance animal and if necessary the replacement and compensation for the loss of the personal assistance animal.

(c) It is unlawful for the owner of a dog to allow that dog to injure a personal assistance animal because the owner failed to control or leash the dog. The owner shall also be liable for the injuries to the personal assistance dog and if necessary the replacement and compensation for the loss of the personal assistance animal.

(d) Any person who violates subsection (a)(1) is guilty of a misdemeanor. Any person who purposely or negligently violates subsection (a)(2) or (a)(3) is guilty of a misdemeanor. Violations shall be punished by imprisonment in the county jail for not more than six (6) months or by a fine of not less than one hundred dollars (\$100), or by both fine and imprisonment. Any person or corporation who violates subsections (a), (b), or (c) is also liable to the person whose rights under §§ 40-9.1-2 and 40-9.1-2.1 were violated for actual damages for any economic loss and/or punitive damages, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant lives.

(e) In an action brought under this section, the court shall award costs and reasonable attorney's fees to the prevailing party.

History of Section.

(P.L. 1975, ch. 55, § 1; P.L. 1986, ch. 179, § 1; P.L. 1997, ch. 85, § 1.)