

HOUSE BILL No. 5812

February 16, 2010, Introduced by Reps. Kennedy, Opsommer, Walsh, Womack and Huckleberry and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 502c (MCL 750.502c), as amended by 1998 PA 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502c. (1) A person who is an owner, lessee, proprietor,
2 manager, superintendent, agent, or employee of ~~any~~**A** place of
3 public or private housing, accommodation, amusement, or recreation,
4 including but not limited to ~~any~~**AN** inn, hotel, motel, apartment
5 building, trailer park, restaurant, barbershop, billiard parlor,
6 store, public conveyance on land or water, theater, motion picture
7 house, public or private educational institution, or elevator, who
8 refuses to permit a person with disabilities to enter or use the
9 place when the place is available because the person with

1 disabilities is being led or accompanied by a ~~guide or leader dog,~~
2 ~~hearing dog, or service dog~~ **SERVICE ANIMAL** is guilty of a
3 misdemeanor ~~if the guide or leader dog is wearing a harness or if~~
4 ~~the hearing dog or service dog is wearing a blaze orange leash and~~
5 ~~collar, hearing dog cape, or service dog backpack, and the person~~
6 ~~with disabilities being led or accompanied has in his or her~~
7 ~~possession a pictured identification card certifying that the dog~~
8 ~~was trained by a qualified organization or trainer. The department~~
9 ~~of labor shall maintain a list of organizations or trainers that~~
10 ~~train guide or leader dogs, hearing dogs, and service dogs.~~

11 **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF**
12 **NOT MORE THAN \$500.00, OR BOTH.**

13 (2) A person who is an owner, lessee, proprietor, manager,
14 superintendent, agent, or employee of ~~any~~ **A** place of public or
15 private housing, accommodation, amusement, or recreation,
16 including, but not limited to, the places listed in subsection (1),
17 who refuses to permit a trainer of ~~guide or leader dogs, hearing~~
18 ~~dogs, or service dogs~~ **SERVICE ANIMALS** to enter or use the place
19 when the place is available because the trainer is being led or
20 accompanied by a ~~guide or leader dog, hearing dog, or service dog~~
21 **SERVICE ANIMAL** is guilty of a misdemeanor ~~if the guide or leader~~
22 ~~dog is wearing a harness or if the hearing dog or service dog is~~
23 ~~wearing a hearing dog cape or service dog backpack, if the trainer~~
24 ~~is being led or accompanied by an adult dog for the purpose of~~
25 ~~training the dog, and if the trainer has in his or her possession~~
26 ~~picture identification and identification stating that he or she is~~
27 ~~a representative or employee of an organization or trainer, or is a~~

~~trainer, included on the department of labor list of organizations~~
~~or trainers that train guide or leader dogs, hearing dogs, or~~
~~service dogs~~ **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS**
OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

(3) As used in this section:

~~(a) "Adult dog" means a domestic dog of the species canis~~
~~familiaris that is 12 months of age or older.~~

(A) ~~(b)~~ "Audibly impaired" means audibly impaired as defined
in section 1 of 1981 PA 82, MCL 752.61.

(B) ~~(c)~~ "Blind person" means a blind person as defined in
section 1 of 1978 PA 260, MCL 393.351.

(C) ~~(d)~~ "Deaf person" means a deaf person as defined in
section 1 of 1981 PA 82, MCL 752.61.

(D) ~~(e)~~ "Person with disabilities" means a person who is
audibly impaired, blind, deaf, or otherwise physically limited.

(E) ~~(f)~~ "Physically limited" means ~~physically limited~~ **THAT**
TERM as defined in section 1 of 1966 PA 1, MCL 125.1351.

(F) "SERVICE ANIMAL" MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER
ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE
BENEFIT OF A PERSON WITH DISABILITIES, INCLUDING, BUT NOT LIMITED
TO, GUIDING A BLIND PERSON, ALERTING AN AUDIBLY IMPAIRED PERSON OR
A DEAF PERSON TO INTRUDERS OR SOUNDS, PROVIDING MINIMAL PROTECTION
OR RESCUE WORK, PULLING A WHEEL CHAIR, OR FETCHING DROPPED ITEMS.