

28 (1) As used in this section:

29 (a) "Assistance animal" means an animal that is trained or is in training to:

30 (i) lead or guide a person who is blind or has a visual disability;

31 (ii) assist a person who has hearing impairment or deafness; or

32 (iii) assist a person who has another physical disability.

33 (b) "Person with a disability" means a person who is blind, visually impaired, deaf, hearing
34 impaired, or otherwise has a physical disability.

35 (2) It is a class A misdemeanor for a person to intentionally:

36 (a) cause bodily injury or death to an assistance animal; or

37 (b) engage in conduct likely to cause bodily injury or death to an assistance animal.

38 (3) It is a class B misdemeanor for a person who owns, keeps, harbors, or exercises control
39 over an animal to allow the animal to chase, harass, or worry an assistance animal while it is
40 carrying out its duties as an assistance animal.

41 (4) It is a class A misdemeanor for a person who owns, keeps, harbors, or exercises control
42 over an animal to allow the animal to cause:

43 (a) any injury or the death of an assistance animal; or

44 (b) the assistance animal's subsequent inability to function as an assistance animal as a
45 result of attacking, chasing, harassing, or worrying the assistance animal.

46 (5) (a) An assistance animal is exempt from quarantine or other animal control ordinances
47 if it bites any person while it is being subjected to an offense under Subsection (2), (3), or (4).

48 (b) The owner of the assistance animal under Subsection (5)(a) or the person with a
49 disability whom the assistance animal serves shall make the animal available for examination at
50 any reasonable time and shall notify the local health officer if the animal exhibits any abnormal
51 behavior.

52 (6) In addition to any other penalty, a person convicted of any violation of this section is
53 liable to the owner of the assistance animal or the person with disabilities whom the assistance
54 animal serves for the replacement, training, and veterinary costs incurred as a result of the violation
55 of this section.

56 Section 3. Section **78-47-101** is enacted to read:

57 **CHAPTER 47. DAMAGES REGARDING INJURY TO OR THEFT**
58 **OF ASSISTANCE ANIMAL**

59 **78-47-101. Definitions.**

60 As used in this section:

61 (1) "Assistance animal" means an animal that is trained or is in training to:

62 (a) lead or guide a person who is blind or has a visual disability;

63 (b) assist a person who has hearing impairment or deafness; or

64 (c) assist a person who has another physical disability.

65 (2) "Person with a disability" means a person who is blind, visually impaired, deaf, hearing
66 impaired, or otherwise has a physical disability.

67 Section 4. Section **78-47-102** is enacted to read:

68 **78-47-102. Damages recoverable for harm to or theft of assistance animal.**

69 (1) A person with a disability who uses an assistance animal or the owner of an assistance
70 animal has a cause of action for economic and noneconomic damages against:

71 (a) any person who steals, or without provocation, attacks the assistance animal; and

72 (b) the owner or keeper of any animal that, without provocation, attacks an assistance
73 animal.

74 (2) The action authorized by this section may be brought by a person with a disability who
75 uses the assistance animal, or the owner of the animal.

76 (3) The measure of economic damages in an action brought under Subsection (1) regarding
77 an assistance animal that is not returned, or killed or injured due to an unprovoked attack so that
78 the animal is unable to return to service includes:

79 (a) the replacement value of an equally trained assistance animal, without any
80 differentiation for the age or experience of the animal; and

81 (b) costs and expenses incurred by the person with a disability or the owner, including:

82 (i) costs of temporary replacement assistance services, whether provided by another
83 assistance animal or by a person;

84 (ii) reasonable costs incurred in efforts to recover a stolen service animal; and

85 (iii) court and attorney costs incurred in bringing an action under this section.

86 (4) If the unprovoked attack on a service animal results in injuries from which the animal
87 recovers so it is able to again be a service animal for the person with a disability, or if the theft of
88 the service animal results in the recovery of the service animal and the animal is again able to carry
89 out its duties as a service animal for the person with a disability, the measure of economic damages

90 is the costs and expenses incurred by the person with a disability or the owner as a result of the
91 theft of or injury to the service animal, and includes:

92 (a) veterinary medical expenses;

93 (b) costs of temporary replacement assistance services, whether provided by another
94 assistance animal or a person;

95 (c) costs incurred in recovering the assistance animal, such as a reward; and

96 (d) court and attorney costs incurred in bringing an action under this section.

97 Section 5. Section **78-47-103** is enacted to read:

98 **78-47-103. Limitation on cause of action.**

99 A cause of action does not exist under this section if the person with a disability who uses
100 the service animal or the person having custody or supervision of the service animal was
101 committing a civil or criminal trespass at the time of the theft of or attack on the assistance animal.

Legislative Review Note

as of 1-24-00 4:33 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel