

48:3-33

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:3-33, 4:19-15.3, 10:5-5, 10:5-29 et al (Handicapped persons - "service dogs" - same rights as seeing eye dogs)

LAWS OF: 1983

CHAPTER: 485

Bill No: S1145

Sponsor(s): Bassano and others

Date Introduced: March 8, 1982

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: January 9, 1984

Senate: November 8 1982

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement:		Yes	
Committee statement:	Assembly	Yes	
	Senate	Yes	5-6-82 & 9-23-82
Fiscal Note:		No	
Veto Message:		No	
Message on Signing:		No	
Following were printed:			
Reports:		No	
Hearings:		No	

CHAPTER 485 LAWS OF N. J. 1983  
APPROVED 1-17-84

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1145

# STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1982

By Senators BASSANO, VREELAND, HAGEDORN, DUMONT,  
EWING, DORSEY and FORAN

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the civil rights and responsibilities of certain persons owning dogs, amending R. S. 48:3-33, P. L. 1941, c. 151, P. L. 1945, c. 169, P. L. 1971, c. 130, P. L. 1977, c. 456 and P. L. 1980, c. 46 \***[and supplementing Title 10 of the Revised Statutes]** \* \* \*

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 48:3-33 is amended to read as follows:

2 48:3-33. Any blind person, accompanied by a dog, known and  
3 described as a "seeing-eye dog," any deaf person, accompanied  
4 by a dog, know and described as a "hearing ear dog," *any handi-*  
5 *capped person, accompanied by a dog, known and described as a*  
6 *"service dog,"* or any blind, *handicapped* or deaf person accom-  
7 panied by a guide *or service* dog trained by a recognized training  
8 agency or school, when riding on any bus or other public utility, as  
9 defined in R. S. 48:2-13, engaged in transportation of passengers;  
10 may keep such animal in his or her immediate custody. The board  
11 of public utilities shall prescribe rules and regulations concerning  
12 such custody.

1 2. Section 3 of P. L. 1941, c. 151 (C. 4:19-15.3) is amended to  
2 read as follows:

3 3. The persons applying for the license and registration tag shall  
4 pay the fee fixed or authorized to be fixed in section 12 of this act,  
5 and the sum of \$1.00 for a **\*\*[1-year]\*\*** *\*\*one-year\*\** registration  
6 tag or \$3.00 for a **\*\*[3-year]\*\*** *\*\*three-year\*\** registration tag for

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted May 6, 1982.

\*\*—Assembly committee amendments adopted May 26, 1983.

7 each dog; and for each renewal, the fee for the license and for the  
 8 registration tag shall be the same as for the original license and  
 9 tag; and said licenses, registration tags and renewals thereof shall  
 10 expire **\*\*[on January 31]\*\*** *\*\*no later than June 30\*\** in the year  
 10A stated on the license**\*\***; *except that this expiration date shall not*  
 10B *require a municipality to alter its schedule for administering rabies*  
 10C *inoculations to any dog to be licensed and registered; nor shall this*  
 10D *expiration date require a municipality to alter its schedule for*  
 10E *renewing licenses and registration tags, provided that the regis-*  
 10F *tration period precedes June 30\*\*.*

11 Only one license and registration tag shall be required in any  
 12 licensing year for any dog owned in New Jersey and such license  
 13 and tag shall be accepted by all municipalities as evidence of  
 14 compliance with this section.

15 Dogs used as guides for blind persons and commonly known as  
 16 "seeing-eye" dogs, *dogs used to assist handicapped persons and*  
 17 *commonly known as "service dogs," or dogs used to assist deaf*  
 18 *persons and commonly known as **\*\*["hearing ear dogs,"]\*\****  
 19 *\*\*"hearing ear" dogs,\*\** shall be licensed and registered as other  
 20 dogs hereinabove provided for, except that the owner or keeper of  
 21 such dog shall not be required to pay any fee therefor.

22 License forms and uniform official metal registration tags de-  
 23 signed by the State Department of Health shall be furnished by  
 24 the municipality and shall be numbered serially and shall bear the  
 25 year of issuance and the name of the municipality.

1 3. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read  
 2 as follows:

3 5. As used in this act, unless a different meaning clearly appears  
 4 from the context:

5 a. "Person" includes one or more individuals, partnerships,  
 6 associations, organizations, labor organizations, corporations,  
 7 legal representatives, trustees, trustees in bankruptcy, receivers,  
 8 and fiduciaries.

9 b. "Employment agency" includes any person undertaking to  
 10 procure employees or opportunities for others to work.

11 c. "Labor organization" includes any organization which exists  
 12 and is constituted for the purpose, in whole or in part, of collective  
 13 bargaining, or of dealing with employers concerning grievances,  
 14 terms or conditions of employment, or of other mutual aid or  
 15 protection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-  
 17 tion" includes only those unlawful practices and acts specified in  
 18 section 11 of this act.

19 e. "Employer" includes all persons as defined in subsection a.  
20 of this section unless otherwise specifically exempt under another  
21 section of this act, and includes the State, any political or civil  
22 subdivision thereof, and all public officers, agencies, boards or  
23 bodies.

24 f. "Employee" does not include any individual employed by his  
25 parents, spouse or child, or in the domestic service of any person.

26 g. "Liability for service in the Armed Forces of the United  
27 States" means subject to being ordered as an individual or member  
28 of an organized unit into active service in the Armed Forces of the  
29 United States by reason of membership in the National Guard,  
30 naval militia or a reserve component of the Armed Forces of the  
31 United States, or subject to being inducted into such armed forces  
32 through a system of national selective service.

33 h. "Division" means the "Division on Civil Rights" created by  
34 this act.

35 i. "Attorney General" means the Attorney General of the State  
36 of New Jersey or his representative or designee.

37 j. "Commission" means the Commission on Civil Rights created  
38 by this act.

39 k. "Director" means the Director of the Division on Civil  
40 Rights.

41 l. "A place of public accommodation" shall include, but not be  
42 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-  
43 mer camp, day camp, or resort camp, whether for entertainment  
44 of transient guests or accommodation of those seeking health, rec-  
45 reation or rest; any producer, manufacturer, wholesaler, distrib-  
46 utor, retail shop, store, establishment, or concession dealing with  
47 goods or services of any kind; any restaurant, eating house, or place  
48 where food is sold for consumption on the premises; any place  
49 maintained for the sale of ice cream, ice and fruit preparations or  
50 their derivatives, soda water or confections, or where any beverages  
51 of any kind are retailed for consumption on the premises; any  
52 garage, any public conveyance operated on land or water, or in the  
53 air, any stations and terminals thereof; any bathhouse, boardwalk,  
54 or seashore accommodation; any auditorium, meeting place, or  
55 hall; any theatre, motion-picture house, music hall, roof garden,  
56 skating rink, swimming pool, amusement and recreation park, fair,  
57 bowling alley, gymnasium, shooting gallery, billiard and pool  
58 parlor, or other place of amusement; any comfort station; any  
59 dispensary, clinic or hospital; any public library; any kindergarten,  
60 primary and secondary school, trade or business school, high school,  
61 academy, college and university, or any educational institution

62 under the supervision of the State Board of Education, or the Com-  
63 missioner of Education of the State of New Jersey. Nothing herein  
64 contained shall be construed to include or to apply to any institu-  
65 tion, bona fide club, or place of accommodation, which is in its  
66 nature distinctly private; nor shall anything herein contained apply  
67 to any educational facility operated or maintained by a bona fide  
68 religious or sectarian institution, and the right of a natural parent  
69 or one in loco parentis to direct the education and upbringing of a  
70 child under his control is hereby affirmed; nor shall anything herein  
71 contained be construed to bar any private secondary or post-  
72 secondary school from using in good faith criteria other than race,  
73 creed, color, **\*\*[natural]\*\*** **\*\*national\*\*** origin or ancestry, in the  
74 admission of students.

75 m. "A publicly assisted housing accommodation" shall include  
76 all housing built with public funds or public assistance pursuant to  
77 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,  
78 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.  
79 1949, c. 184, and all housing financed in whole or in part by a loan,  
80 whether or not secured by a mortgage, the repayment of which is  
81 guaranteed or insured by the Federal Government or any agency  
82 thereof.

83 n. The term "real property" includes real estate, lands, tene-  
84 ments and hereditaments, corporeal, and incorporeal, and lease-  
85 holds, provided however, that, except as to publicly assisted hous-  
86 ing accommodations, the provisions of this act shall not apply to  
87 the rental: (1) of a single apartment or flat in a two-family dwell-  
88 ing, the other occupancy unit of which is occupied by the owner as  
89 his residence or the household of his family at the time of such  
90 rental; or (2) of a room or rooms to another person or persons by  
91 the owner or occupant of a one-family dwelling occupied by him as  
92 his residence or the household of his family at the time of such  
93 rental. Nothing herein contained shall be construed to bar any  
94 religious or denominational institution or organization, or any  
95 organization operated for charitable or educational purposes,  
96 which is operated, supervised or controlled by or in connection with  
97 a religious organization, in the sale, lease or rental of real property,  
98 from limiting admission to or giving preference to persons of the  
99 same religion or denomination or from making such selection as is  
100 calculated by such organization to promote the religious principles  
101 for which it is established or maintained.

102 o. "Real estate broker" includes a person, firm or corporation  
103 who, for a fee, commission or other valuable consideration, or by  
104 reason of promise or reasonable expectation thereof, lists for sale,

105 sells, exchanges, buys or rents, or offers or attempts to negotiate a  
106 sale, exchange, purchase, or rental of real estate or an interest  
107 therein, or collects or offers or attempts to collect rent for the use  
108 of real estate, or solicits for prospective purchasers or assists or  
109 directs in the procuring of prospects or the negotiation or closing  
110 of any transaction which does or is contemplated to result in the  
111 sale, exchange, leasing, renting or auctioning of any real estate, or  
112 negotiates, or offers or attempts or agrees to negotiate a loan  
113 secured or to be secured by mortgage or other encumbrance upon  
114 or transfer of any real estate for others; or any person who, for  
115 pecuniary gain or expectation of pecuniary gain conducts a public  
116 or private competitive sale of lands or any interest in lands. In the  
117 sale of lots, the term "real estate broker" shall also include any  
118 person, partnership, association or corporation employed by or on  
119 behalf of the owner or owners of lots or other parcels of real estate,  
120 at a stated salary, or upon a commission, or upon a salary and com-  
121 mission or otherwise, to sell such real estate, or any arts thereof,  
122 in lots or other parcels, and who shall sell or exchange, or offer or  
123 attempt or agree to negotiate the sale or exchange, of any such lot  
124 or parcel of real estate.

125 p. "Real estate salesman" includes any person who, for compen-  
126 sation, valuable consideration or commission, or other thing of  
127 value, or by reason of a promise or reasonable expectation thereof,  
128 is employed by and operates under the supervision of a licensed real  
129 estate broker to sell or offer to sell, buy or offer to buy or negotiate  
130 the purchase, sale or exchange of real estate, or offers or attempts  
131 to negotiate a loan secured or to be secured by a mortgage or other  
132 encumbrance upon or transfer of real estate, or to lease or rent, or  
133 offer to lease or rent any real estate for others, or to collect rents  
134 for the use of real estate, or to solicit for prospective purchasers  
135 or lessees of real estate, or whom is employed by a licensed real  
136 estate broker to sell or offer to sell lots or other parcels of real  
137 estate, at a stated salary, or upon a commission, or upon a salary  
138 and commission, or otherwise to sell real estate, or any parts  
139 thereof, in lots or other parcels.

140 q. "Handicapped" means suffering from physical disability,  
141 infirmity, malformation or disfigurement which is caused by bodily  
142 injury, birth defect or illness including epilepsy, and which shall  
143 include, but not be limited to, any degree of paralysis, amputation,  
144 lack of physical coordination, blindness or visual impediment, deaf-  
145 ness or hearing impediment, muteness or speech impediment  
146 or physical reliance on a *service or* guide dog, wheelchair, or other  
147 remedial appliance or device, or from any mental, psychological or

148 developmental disability resulting from anatomical, psychological,  
149 physiological or neurological conditions which prevents the normal  
150 exercise of any bodily or mental functions or is demonstrable,  
151 medically or psychologically, by accepted clinical or laboratory  
152 diagnostic techniques.

153 r. "Blind person" means any individual whose central visual  
154 acuity does not exceed 20/200 in the better eye with correcting lens  
155 or whose visual acuity is better than 20/200 if accompanied by a  
156 limit to the field of vision in the better eye to such a degree that its  
157 widest diameter subtends an angle of no greater than 20 degrees.

158 s. "Guide dog" means a dog used to assist deaf persons or which  
159 fitted with a special harness so as to be suitable as an aid to the  
160 mobility of a blind person, and is used by a blind person who has  
161 satisfactorily completed a specific course of training in the use of  
162 such a dog as an aid to personal travel, and has been trained by an  
163 organization generally recognized by agencies involved in the  
164 rehabilitation of the blind or deaf as reputable and competent to  
165 provide dogs with training of this type.

166 t. "Guide or service dog trainer" means any person who is em-  
167 ployed by an organization generally recognized by agencies in-  
168 volved in the rehabilitation of the blind, *handicapped* or deaf as  
169 reputable and competent to provide dogs with training, and who is  
170 actually involved in the training process.

171 u. "Housing accommodation" means any publicly assisted hous-  
172 ing accommodation or any real property, or portion thereof, which  
173 is used or occupied, or is intended, arranged, or designed to be used  
174 or occupied, as the home, residence or sleeping place of one or more  
175 persons, but shall not include any single family residence the occu-  
176 pants of which rent, lease, or furnish for compensation not more  
177 than one room therein.

178 v. "Public facility" means any place of public accommodation  
179 and any street, highway, sidewalk, walkway, public building, and  
180 any other place or structure to which the general public is regularly,  
181 normally or customarily permitted or invited.

182 w. "Deaf person" means any person whose hearing is so severely  
183 impaired that he is unable to hear and understand normal con-  
184 versational speech through the unaided ear alone, and who must  
185 depend primarily on supportive device or visual communication  
186 such as writing, lip reading, sign language, and gestures.

187 x. "Atypical hereditary cellular or blood trait" means sickle cell  
188 trait, hemoglobin C trait, thalassemia trait, tay-sachs trait, or  
189 cystic fibrosis trait.

190 y. "Sickle cell trait" means the condition wherein the major

191 natural hemoglobin components present in the blood of the in-  
 192 dividual are hemoglobin A (normal) and hemoglobin S (sickle  
 193 hemoglobin) as defined by standard chemical and physical analytic  
 194 techniques, including electrophoresis; and the proportion of hemo-  
 195 globin A is greater than the proportion of hemoglobin S or one  
 196 natural parent of the individual is shown to have only normal  
 197 hemoglobin components (hemoglobin A, hemoglobin A2, hemo-  
 198 globin F) in the normal proportions by standard chemical and  
 199 physical analytic tests.

200 z. "Hemoglobin C trait" means the condition wherein the major  
 201 natural hemoglobin components present in the blood of the in-  
 202 dividual are hemoglobin A (normal) and hemoglobin C as defined  
 203 by standard chemical and physical analytic techniques, including  
 204 electrophoresis; and the proportion of hemoglobin A is greater  
 205 than the proportion of hemoglobin C or one natural parent of the  
 206 individual is shown to have only normal hemoglobin components  
 207 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal propor-  
 208 tions by standard chemical and physical analytic tests.

209 aa. "Thalassemia trait" means the presence of the thalassemia  
 210 gene which in combination with another similar gene results in the  
 211 chronic hereditary disease Cooley's Anemia.

212 bb. "Tay-Sachs trait" means the presence of the tay-sachs gene  
 213 which in combination with another similar gene results in the  
 214 chronic hereditary disease tay-sachs.

215 cc. "Cystic Fibrosis trait" means the presence of the cystic  
 216 fibrosis gene which in combination with another similar gene results  
 217 in the chronic hereditary disease cystic fibrosis.

218 dd. "*Service dog*" means any dog individually trained to a handi-  
 219 capped person's requirements including, but not limited to, minimal  
 220 protection work, rescue work, pulling a wheelchair or retrieving  
 221 dropped items.

1 4. Section 1 of P. L. 1971, c. 130 (C. 10:5-29) is amended to read  
 2 as follows:

3 1. Any *handicapped*, blind or deaf person accompanied by a  
 4 *service or* guide dog trained by a recognized training agency or  
 5 school is entitled, with his dog, to the full and equal enjoyment,  
 6 advantages, facilities and privileges of all public facilities, subject  
 7 only to the following conditions:

8 a. A *handicapped*, blind or deaf person, if accompanied by a  
 9 *service or* guide dog, shall keep such dog in his immediate custody  
 10 at all times;

11 b. A *handicapped*, blind or deaf person accompanied by a *service*  
 12 *or* guide dog shall not be charged any extra fee or payment for  
 13 admission to or use of any public facility;



14 c. A *handicapped*, blind or deaf person who has a *service or*  
15 guide dog in his possession shall be liable for any damages done to  
16 the premises of a public facility by such dog.

1 5. Section 3 of P. L. 1977, c. 456 (C. 10:5-29.1) is amended to  
2 read as follows:

3 3. Unless it can be clearly shown that a person's *handicap*, blind-  
4 ness or deafness would prevent such person from performing a  
5 particular job, it is an unlawful employment practice to deny to an  
6 otherwise qualified *handicapped*, blind or deaf person the oppor-  
7 tunity to obtain or maintain employment, or to advance in position  
8 in his job, solely because such person is *handicapped*, blind or deaf  
9 or because such person is accompanied by a *service or* guide dog.

1 6. Section 4 of P. L. 1977, c. 456 (C. 10:5-29.2) is amended to  
2 read as follows:

3 4. A handicapped\*,\* blind or deaf person is entitled to rent, lease  
4 or purchase, as other members of the general public, all housing  
5 accommodations offered for rent, lease, or compensation in this  
6 State, subject to the conditions and limitations established by law  
7 and applicable alike to all persons. Nothing in this section shall  
8 require any person renting, leasing or providing for compensation  
9 real property, to modify such property in any way to provide a  
10 higher degree of care for a *handicapped*, blind or deaf person than  
11 for any other person. A *handicapped*, blind or deaf person who has  
12 a *service or* guide dog, or who obtains a *service or* guide dog, shall  
13 be entitled to full and equal access to all housing accommodations  
14 and shall not be required to pay extra compensation for such *service*  
15 *or* guide dog, but shall be liable for any damages done to the  
16 premises by such dog. Any provision in any lease or rental agree-  
17 ment prohibiting maintenance of a pet or pets on or in the premises  
18 shall not be applicable to a *service or* guide dog owned by a *handi-*  
19 *capped*, blind or deaf tenant.

1 7. Section 5 of P. L. 1977, c. 456 (C. 10:5-29.3) is amended to  
2 read as follows:

3 5. A *service or* guide dog trainer, while engaged in the actual  
4 training process and activities of *service dogs or* guide dogs, shall  
5 have the same rights and privileges with respect to access to public  
6 facilities, and the same responsibilities as are applicable to a *handi-*  
7 *capped*, blind or deaf person.

1 8. Section 9 of P. L. 1980, c. 46 (C. 10:5-29.6) is amended to read  
2 as follows:

3 9. Whenever the law accords rights and privileges to or imposes  
4 conditions and restrictions upon blind persons with respect to their  
5 use of dogs to countervail their handicap, and known and described

6 as "seeing eye" dogs, those rights, privileges, conditions and  
7 restrictions shall also apply to *handicapped or* deaf persons with  
8 respect to their use of dogs to countervail their handicap, and  
9 known and described as *either "service dogs" or "hearing ear" dogs.*

1 \***[10.** (New section) Any handicapped, blind or deaf person who  
2 is a resident or patient of a health care facility as defined by the  
3 "Health Care Facilities Planning Act," P. L. 1971, c. 136 (C.  
4 26:2H-1 et seq.), shall be allowed to keep a service or guide dog  
5 in his possession. No person shall be denied access to any such  
6 facility because the person is accompanied by a service or guide  
7 dog.]\*

1 \***[11.]** \*9.\* This act shall take effect immediately.

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SENATE, No. 1145

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1982

By Senators BASSANO, VREELAND, HAGEDORN, DUMONT,  
EWING, DORSEY and FORAN

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the civil rights and responsibilities of certain persons owning dogs, amending R. S. 48:3-33, P. L. 1941, c. 151, P. L. 1945, c. 169, P. L. 1971, c. 130, P. L. 1977, c. 456 and P. L. 1980, c. 46 and supplementing Title 10 of the Revised Statutes

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5 *capped person, accompanied by a dog, known and described as a*  
6 *"service dog,"* or any blind, *handicapped* or deaf person accom-  
7 panied by a guide *or service* dog trained by a recognized training  
8 agency or school, when riding on any bus or other public utility, as  
9 defined in R. S. 48:2-13, engaged in transportation of passengers;  
10 may keep such animal in his or her immediate custody. The board  
11 of public utilities shall prescribe rules and regulations concerning  
12 such custody.

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5 and the sum of \$1.00 for a 1-year registration tag or \$3.00 for a  
6 3-year registration tag for each dog; and for each renewal, the fee  
7 for the license and for the registration tag shall be the same as

**Matter printed in italics thus is new matter.**

8 for the original license and tag; and said licenses, registration tags  
9 and renewals thereof shall expire on January 31 in the year stated  
10 on the license.

11 Only one license and registration tag shall be required in any  
12 licensing year for any dog owned in New Jersey and such license  
13 and tag shall be accepted by all municipalities as evidence of  
14 compliance with this section.

15 Dogs used as guides for blind persons and commonly known as  
16 "seeing-eye" dogs, *dogs used to assist handicapped persons and*  
17 *commonly known as "service dogs," or dogs used to assist deaf*  
18 *persons and commonly known as "hearing ear dogs,"* shall be  
19 licensed and registered as other dogs hereinabove provided for,  
20 except that the owner or keeper of such dog shall not be required  
21 to pay any fee therefor.

22 License forms and uniform official metal registration tags de-  
23 signed by the State Department of Health shall be furnished by  
24 the municipality and shall be numbered serially and shall bear the  
25 year of issuance and the name of the municipality.

1 3. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read  
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8 and fiduciaries.

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12 and is constituted for the purpose, in whole or in part, of collective  
13 bargaining, or of dealing with employers concerning grievances,  
14 terms or conditions of employment, or of other mutual aid or  
15 protection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-  
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18 section 11 of this act.

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20 of this section unless otherwise specifically exempt under another  
21 section of this act, and includes the State, any political or civil  
22 subdivision thereof, and all public officers, agencies, boards or  
23 bodies.

24 f. "Employee" does not include any individual employed by his  
25 parents, spouse or child, or in the domestic service of any person.

26 g. "Liability for service in the Armed Forces of the United  
27 States" means subject to being ordered as an individual or member  
28 of an organized unit into active service in the Armed Forces of the  
29 United States by reason of membership in the National Guard,  
30 naval militia or a reserve component of the Armed Forces of the  
31 United States, or subject to being inducted into such armed forces  
32 through a system of national selective service.

33 h. "Division" means the "Division on Civil Rights" created by  
34 this act.

35 i. "Attorney General" means the Attorney General of the State  
36 of New Jersey or his representative or designee.

37 j. "Commission" means the Commission on Civil Rights created  
38 by this act.

39 k. "Director" means the Director of the Division on Civil  
40 Rights.

41 l. "A place of public accommodation" shall include, but not be  
42 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-  
43 mer camp, day camp, or resort camp, whether for entertainment  
44 of transient guests or accommodation of those seeking health, rec-  
45 reation or rest; any producer, manufacturer, wholesaler, distrib-  
46 utor, retail shop, store, establishment, or concession dealing with  
47 goods or services of any kind; any restaurant, eating house, or place  
48 where food is sold for consumption on the premises; any place  
49 maintained for the sale of ice cream, ice and fruit preparations or  
50 their derivatives, soda water or confections, or where any beverages  
51 of any kind are retailed for consumption on the premises; any  
52 garage, any public conveyance operated on land or water, or in the  
53 air, any stations and terminals thereof; any bathhouse, boardwalk,  
54 or seashore accommodation; any auditorium, meeting place, or  
55 hall; any theatre, motion-picture house, music hall, roof garden,  
56 skating rink, swimming pool, amusement and recreation park, fair,  
57 bowling alley, gymnasium, shooting gallery, billiard and pool  
58 parlor, or other place of amusement; any comfort station; any  
59 dispensary, clinic or hospital; any public library; any kindergarten,  
60 primary and secondary school, trade or business school, high school,  
61 academy, college and university, or any educational institution  
62 under the supervision of the State Board of Education, or the Com-  
63 missioner of Education of the State of New Jersey. Nothing herein  
64 contained shall be construed to include or to apply to any institu-  
65 tion, bona fide club, or place of accommodation, which is in its  
66 nature distinctly private; nor shall anything herein contained apply  
67 to any educational facility operated or maintained by a bona fide  
68 religious or sectarian institution, and the right of a natural parent

69 or one in loco parentis to direct the education and upbringing of a  
70 child under his control is hereby affirmed; nor shall anything herein  
71 contained be construed to bar any private secondary or post-  
72 secondary school from using in good faith criteria other than race,  
73 creed, color, natural origin or ancestry, in the admission of  
74 students.

75 m. "A publicly assisted housing accommodation" shall include  
76 all housing built with public funds or public assistance pursuant to  
77 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,  
78 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.  
79 1949, c. 184, and all housing financed in whole or in part by a loan,  
80 whether or not secured by a mortgage, the repayment of which is  
81 guaranteed or insured by the Federal Government or any agency  
82 thereof.

83 n. The term "real property" includes real estate, lands, tene-  
84 ments and hereditaments, corporeal, and incorporeal, and lease-  
85 holds, provided however, that, except as to publicly assisted hous-  
86 ing accommodations, the provisions of this act shall not apply to  
87 the rental: (1) of a single apartment or flat in a two-family dwell-  
88 ing, the other occupancy unit of which is occupied by the owner as  
89 his residence or the household of his family at the time of such  
90 rental; or (2) of a room or rooms to another person or persons by  
91 the owner or occupant of a one-family dwelling occupied by him as  
92 his residence or the household of his family at the time of such  
93 rental. Nothing herein contained shall be construed to bar any  
94 religious or denominational institution or organization, or any  
95 organization operated for charitable or educational purposes,  
96 which is operated, supervised or controlled by or in connection with  
97 a religious organization, in the sale, lease or rental of real property,  
98 from limiting admission to or giving preference to persons of the  
99 same religion or denomination or from making such selection as is  
100 calculated by such organization to promote the religious principles  
101 for which it is established or maintained.

102 o. "Real estate broker" includes a person, firm or corporation  
103 who, for a fee, commission or other valuable consideration, or by  
104 reason of promise or reasonable expectation thereof, lists for sale,  
105 sells, exchanges, buys or rents, or offers or attempts to negotiate a  
106 sale, exchange, purchase, or rental of real estate or an interest  
107 therein, or collects or offers or attempts to collect rent for the use  
108 of real estate, or solicits for prospective purchasers or assists or  
109 directs in the procuring of prospects or the negotiation or closing  
110 of any transaction which does or is contemplated to result in the  
111 sale, exchange, leasing, renting or auctioning of any real estate, or

112 negotiates, or offers or attempts or agrees to negotiate a loan  
113 secured or to be secured by mortgage or other encumbrance upon  
114 or transfer of any real estate for others; or any person who, for  
115 pecuniary gain or expectation of pecuniary gain conducts a public  
116 or private competitive sale of lands or any interest in lands. In the  
117 sale of lots, the term "real estate broker" shall also include any  
118 person, partnership, association or corporation employed by or on  
119 behalf of the owner or owners of lots or other parcels of real estate,  
120 at a stated salary, or upon a commission, or upon a salary and com-  
121 mission or otherwise, to sell such real estate, or any arts thereof,  
122 in lots or other parcels, and who shall sell or exchange, or offer or  
123 attempt or agree to negotiate the sale or exchange, of any such lot  
124 or parcel of real estate.

125 p. "Real estate salesman" includes any person who, for compen-  
126 sation, valuable consideration or commission, or other thing of  
127 value, or by reason of a promise or reasonable expectation thereof,  
128 is employed by and operates under the supervision of a licensed real  
129 estate broker to sell or offer to sell, buy or offer to buy or negotiate  
130 the purchase, sale or exchange of real estate, or offers or attempts  
131 to negotiate a loan secured or to be secured by a mortgage or other  
132 encumbrance upon or transfer of real estate, or to lease or rent, or  
133 offer to lease or rent any real estate for others, or to collect rents  
134 for the use of real estate, or to solicit for prospective purchasers  
135 or lessees of real estate, or whom is employed by a licensed real  
136 estate broker to sell or offer to sell lots or other parcels of real  
137 estate, at a stated salary, or upon a commission, or upon a salary  
138 and commission, or otherwise to sell real estate, or any parts  
139 thereof, in lots or other parcels.

140 q. "Handicapped" means suffering from physical disability,  
141 infirmity, malformation or disfigurement which is caused by bodily  
142 injury, birth defect or illness including epilepsy, and which shall  
143 include, but not be limited to, any degree of paralysis, amputation,  
144 lack of physical coordination, blindness or visual impediment, deaf-  
145 ness or hearing impediment, muteness or speech impediment  
146 or physical reliance on a *service or* guide dog, wheelchair, or other  
147 remedial appliance or device, or from any mental, psychological or  
148 developmental disability resulting from anatomical, psychological,  
149 physiological or neurological conditions which prevents the normal  
150 exercise of any bodily or mental functions or is demonstrable,  
151 medically or psychologically, by accepted clinical or laboratory  
152 diagnostic techniques.

153 r. "Blind person" means any individual whose central visual  
154 acuity does not exceed 20/200 in the better eye with correcting lens

155 or whose visual acuity is better than 20/200 if accompanied by a  
156 limit to the field of vision in the better eye to such a degree that its  
157 widest diameter subtends an angle of no greater than 20 degrees.

158 s. "Guide dog" means a dog used to assist deaf persons or which  
159 fitted with a special harness so as to be suitable as an aid to the  
160 mobility of a blind person, and is used by a blind person who has  
161 satisfactorily completed a specific course of training in the use of  
162 such a dog as an aid to personal travel, and has been trained by an  
163 organization generally recognized by agencies involved in the  
164 rehabilitation of the blind or deaf as reputable and competent to  
165 provide dogs with training of this type.

166 t. "Guide or service dog trainer" means any person who is em-  
167 ployed by an organization generally recognized by agencies in-  
168 volved in the rehabilitation of the blind, *handicapped* or deaf as  
169 reputable and competent to provide dogs with training, and who is  
170 actually involved in the training process.

171 u. "Housing accommodation" means any publicly assisted hous-  
172 ing accommodation or any real property, or portion thereof, which  
173 is used or occupied, or is intended, arranged, or designed to be used  
174 or occupied, as the home, residence or sleeping place of one or more  
175 persons, but shall not include any single family residence the occu-  
176 pants of which rent, lease, or furnish for compensation not more  
177 than one room therein.

178 v. "Public facility" means any place of public accommodation  
179 and any street, highway, sidewalk, walkway, public building, and  
180 any other place or structure to which the general public is regularly,  
181 normally or customarily permitted or invited.

182 w. "Deaf person" means any person whose hearing is so severely  
183 impaired that he is unable to hear and understand normal con-  
184 versational speech through the unaided ear alone, and who must  
185 depend primarily on supportive device or visual communication  
186 such as writing, lip reading, sign language, and gestures.

187 x. "Atypical hereditary cellular or blood trait" means sickle cell  
188 trait, hemoglobin C trait, thalassemia trait, tay-sachs trait, or  
189 cystic fibrosis trait.

190 y. "Sickle cell trait" means the condition wherein the major  
191 natural hemoglobin components present in the blood of the in-  
192 dividual are hemoglobin A (normal) and hemoglobin S (sickle  
193 hemoglobin) as defined by standard chemical and physical analytic  
194 techniques, including electrophoresis; and the proportion of hemo-  
195 globin A is greater than the proportion of hemoglobin S or one  
196 natural parent of the individual is shown to have only normal  
197 hemoglobin components (hemoglobin A, hemoglobin A2, hemo-



198 globin F) in the normal proportions by standard chemical and  
199 physical analytic tests.

200 z. "Hemoglobin C trait" means the condition wherein the major  
201 natural hemoglobin components present in the blood of the in-  
202 dividual are hemoglobin A (normal) and hemoglobin C as defined  
203 by standard chemical and physical analytic techniques, including  
204 electrophoresis; and the proportion of hemoglobin A is greater  
205 than the proportion of hemoglobin C or one natural parent of the  
206 individual is shown to have only normal hemoglobin components  
207 (hemoglobin A, hemoglobin A<sub>2</sub>, hemoglobin F) in normal propor-  
208 tions by standard chemical and physical analytic tests.

209 aa. "Thalassemia trait" means the presence of the thalassemia  
210 gene which in combination with another similar gene results in the  
211 chronic hereditary disease Cooley's Anemia.

212 bb. "Tay-Sachs trait" means the presence of the tay-sachs gene  
213 which in combination with another similar gene results in the  
214 chronic hereditary disease tay-sachs.

215 cc. "Cystic Fibrosis trait" means the presence of the cystic  
216 fibrosis gene which in combination with another similar gene results  
217 in the chronic hereditary disease cystic fibrosis.

218 dd. "*Service dog*" means any dog individually trained to a handi-  
219 capped person's requirements including, but not limited to, minimal  
220 protection work, rescue work, pulling a wheelchair or retrieving  
221 dropped items.

1 4. Section 1 of P. L. 1971, c. 130 (C. 10:5-29) is amended to read  
2 as follows:

3 1. Any *handicapped*, blind or deaf person accompanied by a  
4 *service or guide dog* trained by a recognized training agency or  
5 school is entitled, with his dog, to the full and equal enjoyment,  
6 advantages, facilities and privileges of all public facilities, subject  
7 only to the following conditions:

8 a. A *handicapped*, blind or deaf person, if accompanied by a  
9 *service or guide dog*, shall keep such dog in his immediate custody  
10 at all times;

11 b. A *handicapped*, blind or deaf person accompanied by a *service*  
12 *or guide dog* shall not be charged any extra fee or payment for  
13 admission to or use of any public facility;

14 c. A *handicapped*, blind or deaf person who has a *service or*  
15 *guide dog* in his possession shall be liable for any damages done to  
16 the premises of a public facility by such dog.

1 5. Section 3 of P. L. 1977, c. 456 (C. 10:5-29.1) is amended to  
2 read as follows:

3 3. Unless it can be clearly shown that a person's *handicap*, blind-

4 ness or deafness would prevent such person from performing a  
 5 particular job, it is an unlawful employment practice to deny to an  
 6 otherwise qualified *handicapped*, blind or deaf person the oppor-  
 7 tunity to obtain or maintain employment, or to advance in position  
 8 in his job, solely because such person is *handicapped*, blind or deaf  
 9 or because such person is accompanied by a *service or* guide dog.

1 6. Section 4 of P. L. 1977, c. 456 (C. 10:5-29.2) is amended to  
 2 read as follows:

3 4. A *handicapped* blind or deaf person is entitled to rent, lease or  
 4 purchase, as other members of the general public, all housing  
 5 accommodations offered for rent, lease, or compensation in this  
 6 State, subject to the conditions and limitations established by law  
 7 and applicable alike to all persons. Nothing in this section shall  
 8 require any person renting, leasing or providing for compensation  
 9 real property, to modify such property in any way to provide a  
 10 higher degree of care for a *handicapped*, blind or deaf person than  
 11 for any other person. A *handicapped*, blind or deaf person who has  
 12 a *service or* guide dog, or who obtains a *service or* guide dog, shall  
 13 be entitled to full and equal access to all housing accommodations  
 14 and shall not be required to pay extra compensation for such *service*  
 15 *or* guide dog, but shall be liable for any damages done to the  
 16 premises by such dog. Any provision in any lease or rental agree-  
 17 ment prohibiting maintenance of a pet or pets on or in the premises  
 18 shall not be applicable to a *service or* guide dog owned by a *handi-*  
 19 *capped*, blind or deaf tenant.

1 7. Section 5 of P. L. 1977, c. 456 (C. 10:5-29.3) is amended to  
 2 read as follows:

3 5. A *service or* guide dog trainer, while engaged in the actual  
 4 training process and activities of *service dogs or* guide dogs, shall  
 5 have the same rights and privileges with respect to access to public  
 6 facilities, and the same responsibilities as are applicable to a *handi-*  
 7 *capped*, blind or deaf person.

1 8. Section 9 of P. L. 1980, c. 46 (C. 10:5-29.6) is amended to read  
 2 as follows:

3 9. Whenever the law accords rights and privileges to or imposes  
 4 conditions and restrictions upon blind persons with respect to their  
 5 use of dogs to countervail their handicap, and known and described  
 6 as "seeing eye" dogs, those rights, privileges, conditions and  
 7 restrictions shall also apply to *handicapped or* deaf persons with  
 8 respect to their use of dogs to countervail their handicap, and  
 9 known and described as *either "service dogs" or "hearing ear" dogs.*

1 10. (New section) Any handicapped, blind or deaf person who is  
 2 a resident or patient of a health care facility as defined by the

3 "Health Care Facilities Planning Act," P. L. 1971, c. 136 (C.  
4 26:2H-1 et seq.), shall be allowed to keep a service or guide dog  
5 in his possession. No person shall be denied access to any such  
6 facility because the person is accompanied by a service or guide  
7 dog.

1 11. This act shall take effect immediately.

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#### STATEMENT

This bill gives the same rights, privileges, conditions and restrictions to handicapped persons who have "service dogs" that blind persons having "seeing-eye dogs" and deaf persons with "hearing ear dogs" presently have.

Service dogs are those animals that are individually trained to meet a handicapped person's requirements, including minimal protection work, rescue work, pulling wheelchairs or retrieving dropped items.

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SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**SENATE, No. 1145**  
with Senate committee amendment

**STATE OF NEW JERSEY**

DATED: MAY 6, 1982

As amended by committee, this bill extends the same rights, privileges, conditions and restrictions to handicapped persons with "service dogs" that blind and deaf persons with guide dogs presently have. The bill defines "service dog" as one which is trained to meet a handicapped person's requirements, including minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items.

The committee amended the bill to delete section 10 which authorized owners of service or guide dogs to take their dog with them when they enter a health care facility as a patient or resident.

[OFFICIAL COPY REPRINT]

SENATE, No. 1145

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1982

By Senators BASSANO, VREELAND, HAGEDORN, DUMONT,  
EWING, DORSEY and FORAN

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the civil rights and responsibilities of certain persons owning dogs, amending R. S. 48:3-33, P. L. 1941, c. 151, P. L. 1945, c. 169, P. L. 1971, c. 130, P. L. 1977, c. 456 and P. L. 1980, c. 46 \***[and supplementing Title 10 of the Revised Statutes]**\* \* \*

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 48:3-33 is amended to read as follows:

2 48:3-33. Any blind person, accompanied by a dog, known and  
3 described as a "seeing-eye dog," any deaf person, accompanied  
4 by a dog, known and described as a "hearing ear dog," *any handi-*  
5 *capped person, accompanied by a dog, known and described as a*  
6 *"service dog,"* or any blind, *handicapped* or deaf person accom-  
7 panied by a guide *or service* dog trained by a recognized training  
8 agency or school, when riding on any bus or other public utility, as  
9 defined in R. S. 48:2-13, engaged in transportation of passengers;  
10 may keep such animal in his or her immediate custody. The board  
11 of public utilities shall prescribe rules and regulations concerning  
12 such custody.

1 2. Section 3 of P. L. 1941, c. 151 (C. 4:19-15.3) is amended to  
2 read as follows:

3 3. The persons applying for the license and registration tag shall  
4 pay the fee fixed or authorized to be fixed in section 12 of this act,  
5 and the sum of \$1.00 for a 1-year registration tag or \$3.00 for a  
6 3-year registration tag for each dog; and for each renewal, the fee  
7 for the license and for the registration tag shall be the same as

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Senate committee amendments adopted May 6, 1982.**

8 for the original license and tag; and said licenses, registration tags  
9 and renewals thereof shall expire on January 31 in the year stated  
10 on the license.

11 Only one license and registration tag shall be required in any  
12 licensing year for any dog owned in New Jersey and such license  
13 and tag shall be accepted by all municipalities as evidence of  
14 compliance with this section.

15 Dogs used as guides for blind persons and commonly known as  
16 "seeing-eye" dogs, *dogs used to assist handicapped persons and*  
17 *commonly known as "service dogs," or dogs used to assist deaf*  
18 *persons and commonly known as "hearing ear dogs,"* shall be  
19 licensed and registered as other dogs hereinabove provided for,  
20 except that the owner or keeper of such dog shall not be required  
21 to pay any fee therefor.

22 License forms and uniform official metal registration tags de-  
23 signed by the State Department of Health shall be furnished by  
24 the municipality and shall be numbered serially and shall bear the  
25 year of issuance and the name of the municipality.

1 3. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read  
2 as follows:

3 5. As used in this act, unless a different meaning clearly appears  
4 from the context:

5 a. "Person" includes one or more individuals, partnerships,  
6 associations, organizations, labor organizations, corporations,  
7 legal representatives, trustees, trustees in bankruptcy, receivers,  
8 and fiduciaries.

9 b. "Employment agency" includes any person undertaking to  
10 procure employees or opportunities for others to work.

11 c. "Labor organization" includes any organization which exists  
12 and is constituted for the purpose, in whole or in part, of collective  
13 bargaining, or of dealing with employers concerning grievances,  
14 terms or conditions of employment, or of other mutual aid or  
15 protection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-  
17 tion" includes only those unlawful practices and acts specified in  
18 section 11 of this act.

19 e. "Employer" includes all persons as defined in subsection a.  
20 of this section unless otherwise specifically exempt under another  
21 section of this act, and includes the State, any political or civil  
22 subdivision thereof, and all public officers, agencies, boards or  
23 bodies.

24 f. "Employee" does not include any individual employed by his  
25 parents, spouse or child, or in the domestic service of any person.

26 g. "Liability for service in the Armed Forces of the United  
27 States" means subject to being ordered as an individual or member  
28 of an organized unit into active service in the Armed Forces of the  
29 United States by reason of membership in the National Guard,  
30 naval militia or a reserve component of the Armed Forces of the  
31 United States, or subject to being inducted into such armed forces  
32 through a system of national selective service.

33 h. "Division" means the "Division on Civil Rights" created by  
34 this act.

35 i. "Attorney General" means the Attorney General of the State  
36 of New Jersey or his representative or designee.

37 j. "Commission" means the Commission on Civil Rights created  
38 by this act.

39 k. "Director" means the Director of the Division on Civil  
40 Rights.

41 l. "A place of public accommodation" shall include, but not be  
42 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-  
43 mer camp, day camp, or resort camp, whether for entertainment  
44 of transient guests or accommodation of those seeking health, rec-  
45 reation or rest; any producer, manufacturer, wholesaler, distrib-  
46 utor, retail shop, store, establishment, or concession dealing with  
47 goods or services of any kind; any restaurant, eating house, or place  
48 where food is sold for consumption on the premises; any place  
49 maintained for the sale of ice cream, ice and fruit preparations or  
50 their derivatives, soda water or confections, or where any beverages  
51 of any kind are retailed for consumption on the premises; any  
52 garage, any public conveyance operated on land or water, or in the  
53 air, any stations and terminals thereof; any bathhouse, boardwalk,  
54 or seashore accommodation; any auditorium, meeting place, or  
55 hall; any theatre, motion-picture house, music hall, roof garden,  
56 skating rink, swimming pool, amusement and recreation park, fair,  
57 bowling alley, gymnasium, shooting gallery, billiard and pool  
58 parlor, or other place of amusement; any comfort station; any  
59 dispensary, clinic or hospital; any public library; any kindergarten,  
60 primary and secondary school, trade or business school, high school,  
61 academy, college and university, or any educational institution  
62 under the supervision of the State Board of Education, or the Com-  
63 missioner of Education of the State of New Jersey. Nothing herein  
64 contained shall be construed to include or to apply to any institu-  
65 tion, bona fide club, or place of accommodation, which is in its  
66 nature distinctly private; nor shall anything herein contained apply  
67 to any educational facility operated or maintained by a bona fide  
68 religious or sectarian institution, and the right of a natural parent

69 or one in loco parentis to direct the education and upbringing of a  
70 child under his control is hereby affirmed; nor shall anything herein  
71 contained be construed to bar any private secondary or post-  
72 secondary school from using in good faith criteria other than race,  
73 creed, color, natural origin or ancestry, in the admission of  
74 students.

75 m. "A publicly assisted housing accommodation" shall include  
76 all housing built with public funds or public assistance pursuant to  
77 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,  
78 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.  
79 1949, c. 184, and all housing financed in whole or in part by a loan,  
80 whether or not secured by a mortgage, the repayment of which is  
81 guaranteed or insured by the Federal Government or any agency  
82 thereof.

83 n. The term "real property" includes real estate, lands, tene-  
84 ments and hereditaments, corporeal, and incorporeal, and lease-  
85 holds, provided however, that, except as to publicly assisted hous-  
86 ing accommodations, the provisions of this act shall not apply to  
87 the rental: (1) of a single apartment or flat in a two-family dwell-  
88 ing, the other occupancy unit of which is occupied by the owner as  
89 his residence or the household of his family at the time of such  
90 rental; or (2) of a room or rooms to another person or persons by  
91 the owner or occupant of a one-family dwelling occupied by him as  
92 his residence or the household of his family at the time of such  
93 rental. Nothing herein contained shall be construed to bar any  
94 religious or denominational institution or organization, or any  
95 organization operated for charitable or educational purposes,  
96 which is operated, supervised or controlled by or in connection with  
97 a religious organization, in the sale, lease or rental of real property,  
98 from limiting admission to or giving preference to persons of the  
99 same religion or denomination or from making such selection as is  
100 calculated by such organization to promote the religious principles  
101 for which it is established or maintained.

102 o. "Real estate broker" includes a person, firm or corporation  
103 who, for a fee, commission or other valuable consideration, or by  
104 reason of promise or reasonable expectation thereof, lists for sale,  
105 sells, exchanges, buys or rents, or offers or attempts to negotiate a  
106 sale, exchange, purchase, or rental of real estate or an interest  
107 therein, or collects or offers or attempts to collect rent for the use  
108 of real estate, or solicits for prospective purchasers or assists or  
109 directs in the procuring of prospects or the negotiation or closing  
110 of any transaction which does or is contemplated to result in the  
111 sale, exchange, leasing, renting or auctioning of any real estate, or



112 negotiates, or offers or attempts or agrees to negotiate a loan  
113 secured or to be secured by mortgage or other encumbrance upon  
114 or transfer of any real estate for others; or any person who, for  
115 pecuniary gain or expectation of pecuniary gain conducts a public  
116 or private competitive sale of lands or any interest in lands. In the  
117 sale of lots, the term "real estate broker" shall also include any  
118 person, partnership, association or corporation employed by or on  
119 behalf of the owner or owners of lots or other parcels of real estate,  
120 at a stated salary, or upon a commission, or upon a salary and com-  
121 mission or otherwise, to sell such real estate, or any arts thereof,  
122 in lots or other parcels, and who shall sell or exchange, or offer or  
123 attempt or agree to negotiate the sale or exchange, of any such lot  
124 or parcel of real estate.

125 p. "Real estate salesman" includes any person who, for compen-  
126 sation, valuable consideration or commission, or other thing of  
127 value, or by reason of a promise or reasonable expectation thereof,  
128 is employed by and operates under the supervision of a licensed real  
129 estate broker to sell or offer to sell, buy or offer to buy or negotiate  
130 the purchase, sale or exchange of real estate, or offers or attempts  
131 to negotiate a loan secured or to be secured by a mortgage or other  
132 encumbrance upon or transfer of real estate, or to lease or rent, or  
133 offer to lease or rent any real estate for others, or to collect rents  
134 for the use of real estate, or to solicit for prospective purchasers  
135 or lessees of real estate, or whom is employed by a licensed real  
136 estate broker to sell or offer to sell lots or other parcels of real  
137 estate, at a stated salary, or upon a commission, or upon a salary  
138 and commission, or otherwise to sell real estate, or any parts  
139 thereof, in lots or other parcels.

140 q. "Handicapped" means suffering from physical disability,  
141 infirmity, malformation or disfigurement which is caused by bodily  
142 injury, birth defect or illness including epilepsy, and which shall  
143 include, but not be limited to, any degree of paralysis, amputation,  
144 lack of physical coordination, blindness or visual impediment, deaf-  
145 ness or hearing impediment, muteness or speech impediment  
146 or physical reliance on a *service or* guide dog, wheelchair, or other  
147 remedial appliance or device, or from any mental, psychological or  
148 developmental disability resulting from anatomical, psychological,  
149 physiological or neurological conditions which prevents the normal  
150 exercise of any bodily or mental functions or is demonstrable,  
151 medically or psychologically, by accepted clinical or laboratory  
152 diagnostic techniques.

153 r. "Blind person" means any individual whose central visual  
154 acuity does not exceed 20/200 in the better eye with correcting lens

155 or whose visual acuity is better than 20/200 if accompanied by a  
156 limit to the field of vision in the better eye to such a degree that its  
157 widest diameter subtends an angle of no greater than 20 degrees.

158 s. "Guide dog" means a dog used to assist deaf persons or which  
159 fitted with a special harness so as to be suitable as an aid to the  
160 mobility of a blind person, and is used by a blind person who has  
161 satisfactorily completed a specific course of training in the use of  
162 such a dog as an aid to personal travel, and has been trained by an  
163 organization generally recognized by agencies involved in the  
164 rehabilitation of the blind or deaf as reputable and competent to  
165 provide dogs with training of this type.

166 t. "Guide *or service* dog trainer" means any person who is em-  
167 ployed by an organization generally recognized by agencies in-  
168 volved in the rehabilitation of the blind, *handicapped* or deaf as  
169 reputable and competent to provide dogs with training, and who is  
170 actually involved in the training process.

171 u. "Housing accommodation" means any publicly assisted hous-  
172 ing accommodation or any real property, or portion thereof, which  
173 is used or occupied, or is intended, arranged, or designed to be used  
174 or occupied, as the home, residence or sleeping place of one or more  
175 persons, but shall not include any single family residence the occu-  
176 pants of which rent, lease, or furnish for compensation not more  
177 than one room therein.

178 v. "Public facility" means any place of public accommodation  
179 and any street, highway, sidewalk, walkway, public building, and  
180 any other place or structure to which the general public is regularly,  
181 normally or customarily permitted or invited.

182 w. "Deaf person" means any person whose hearing is so severely  
183 impaired that he is unable to hear and understand normal con-  
184 versational speech through the unaided ear alone, and who must  
185 depend primarily on supportive device or visual communication  
186 such as writing, lip reading, sign language, and gestures.

187 x. "Atypical hereditary cellular or blood trait" means sickle cell  
188 trait, hemoglobin C trait, thalassemia trait, tay-sachs trait, or  
189 cystic fibrosis trait.

190 y. "Sickle cell trait" means the condition wherein the major  
191 natural hemoglobin components present in the blood of the in-  
192 dividual are hemoglobin A (normal) and hemoglobin S (sickle  
193 hemoglobin) as defined by standard chemical and physical analytic  
194 techniques, including electrophoresis; and the proportion of hemo-  
195 globin A is greater than the proportion of hemoglobin S or one  
196 natural parent of the individual is shown to have only normal  
197 hemoglobin components (hemoglobin A, hemoglobin A<sub>2</sub>, hemo-

198 globin F) in the normal proportions by standard chemical and  
199 physical analytic tests.

200 z. "Hemoglobin C trait" means the condition wherein the major  
201 natural hemoglobin components present in the blood of the in-  
202 dividual are hemoglobin A (normal) and hemoglobin C as defined  
203 by standard chemical and physical analytic techniques, including  
204 electrophoresis; and the proportion of hemoglobin A is greater  
205 than the proportion of hemoglobin C or one natural parent of the  
206 individual is shown to have only normal hemoglobin components  
207 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal propor-  
208 tions by standard chemical and physical analytic tests.

209 aa. "Thalassemia trait" means the presence of the thalassemia  
210 gene which in combination with another similar gene results in the  
211 chronic hereditary disease Cooley's Anemia.

212 bb. "Tay-Sachs trait" means the presence of the tay-sachs gene  
213 which in combination with another similar gene results in the  
214 chronic hereditary disease tay-sachs.

215 cc. "Cystic Fibrosis trait" means the presence of the cystic  
216 fibrosis gene which in combination with another similar gene results  
217 in the chronic hereditary disease cystic fibrosis.

218 dd. "*Service dog*" means any dog individually trained to a handi-  
219 capped person's requirements including, but not limited to, minimal  
220 protection work, rescue work, pulling a wheelchair or retrieving  
221 dropped items.

1 4. Section 1 of P. L. 1971, c. 130 (C. 10:5-29) is amended to read  
2 as follows:

3 1. Any *handicapped*, blind or deaf person accompanied by a  
4 *service or* guide dog trained by a recognized training agency or  
5 school is entitled, with his dog, to the full and equal enjoyment,  
6 advantages, facilities and privileges of all public facilities, subject  
7 only to the following conditions:

8 a. A *handicapped*, blind or deaf person, if accompanied by a  
9 *service or* guide dog, shall keep such dog in his immediate custody  
10 at all times;

11 b. A *handicapped*, blind or deaf person accompanied by a *service*  
12 *or* guide dog shall not be charged any extra fee or payment for  
13 admission to or use of any public facility;

14 c. A *handicapped*, blind or deaf person who has a *service or*  
15 *guide* dog in his possession shall be liable for any damages done to  
16 the premises of a public facility by such dog.

17 5. Section 3 of P. L. 1977, c. 456 (C. 10:5-29.1) is amended to  
18 read as follows:  
19 3. Unless it can be clearly shown that a person's *handicap*, blind-

4 ness or deafness would prevent such person from performing a  
 5 particular job, it is an unlawful employment practice to deny to an  
 6 otherwise qualified *handicapped*, blind or deaf person the oppor-  
 7 tunity to obtain or maintain employment, or to advance in position  
 8 in his job, solely because such person is *handicapped*, blind or deaf  
 9 or because such person is accompanied by a *service or* guide dog.

1 6. Section 4 of P. L. 1977, c. 456 (C. 10:5-29.2) is amended to  
 2 read as follows:

3 4. A *handicapped*\*,\* blind or deaf person is entitled to rent, lease  
 4 or purchase, as other members of the general public, all housing  
 5 accommodations offered for rent, lease, or compensation in this  
 6 State, subject to the conditions and limitations established by law  
 7 and applicable alike to all persons. Nothing in this section shall  
 8 require any person renting, leasing or providing for compensation  
 9 real property, to modify such property in any way to provide a  
 10 higher degree of care for a *handicapped*, blind or deaf person than  
 11 for any other person. A *handicapped*, blind or deaf person who has  
 12 a *service or* guide dog, or who obtains a *service or* guide dog, shall  
 13 be entitled to full and equal access to all housing accommodations  
 14 and shall not be required to pay extra compensation for such *service*  
 15 *or* guide dog, but shall be liable for any damages done to the  
 16 premises by such dog. Any provision in any lease or rental agree-  
 17 ment prohibiting maintenance of a pet or pets on or in the premises  
 18 shall not be applicable to a *service or* guide dog owned by a *handi-*  
 19 *capped*, blind or deaf tenant.

1 7. Section 5 of P. L. 1977, c. 456 (C. 10:5-29.3) is amended to  
 2 read as follows:

3 5. A *service or* guide dog trainer, while engaged in the actual  
 4 training process and activities of *service dogs or* guide dogs, shall  
 5 have the same rights and privileges with respect to access to public  
 6 facilities, and the same responsibilities as are applicable to a *handi-*  
 7 *capped*, blind or deaf person.

1 8. Section 9 of P. L. 1980, c. 46 (C. 10:5-29.6) is amended to read  
 2 as follows:

3 9. Whenever the law accords rights and privileges to or imposes  
 4 conditions and restrictions upon blind persons with respect to their  
 5 use of dogs to countervail their handicap, and known and described  
 6 as "seeing eye" dogs, those rights, privileges, conditions and  
 7 restrictions shall also apply to *handicapped or* deaf persons with  
 8 respect to their use of dogs to countervail their handicap, and  
 9 known and described as *either "service dogs" or "hearing ear" dogs.*

1 \*~~10. (New section) Any handicapped, blind or deaf person who~~  
 2 ~~is a resident or patient of a health care facility as defined by the~~

3 "Health Care Facilities Planning Act," P. L. 1971, c. 136 (C.  
4 26:2H-1 et seq.), shall be allowed to keep a service or guide dog  
5 in his possession. No person shall be denied access to any such  
6 facility because the person is accompanied by a service or guide  
7 dog.]\*

1 \***[11.]**\* \*9.\* This act shall take effect immediately.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1145**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: SEPTEMEBR 23, 1982

This bill extends the same rights, privileges, conditions and restrictions to handicapped persons with "service dogs" that blind and deaf persons with guide dogs presently have. The bill defines "service dog" as one which is trained to meet a handicapped person's requirements, including minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items.

The Senate Institutions, Health and Welfare Committee amended the bill to delete section 10 which authorized owners of service or guide dogs to take their dog with them when they enter a health care facility as a patient or resident.

Senate Bill No. 1145 had been previously reported by the Senate Institutions, Health and Welfare Committee in May.

ASSEMBLY CORRECTIONS, HEALTH AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 1145**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: MAY 26, 1983

This bill would extend the same rights, privileges, conditions and restrictions to handicapped persons with "service dogs" that blind and deaf persons with guide dogs currently have. The bill defines "service dog" as one which is trained to meet a handicapped person's requirements, including minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items.

The committee adopted technical amendments to conform the bill to Assembly Bill No. 589 (2 OCR) which is now P. L. 1982, c. 203, and Assembly Bill No. 2087 (OCR) which is now P. L. 1983, c. 40. The amendments change the annual expiration date for municipal dog, kennel, pet shop, shelter and pound licenses from January 31 to June 30 and give municipalities flexibility to issue registration tags and licenses for dogs at any time between January 1 and June 30.

[ASSEMBLY REPRINT]  
**SENATE, No. 1145**  
[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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INTRODUCED MARCH 8, 1982

By Senators BASSANO, VREELAND, HAGEDORN, DUMONT,  
EWING, DORSEY and FORAN

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the civil rights and responsibilities of certain persons owning dogs, amending R. S. 48:3-33, P. L. 1941, c. 151, P. L. 1945, c. 169, P. L. 1971, c. 130, P. L. 1977, c. 456 and P. L. 1980, c. 46 \***[and supplementing Title 10 of the Revised Statutes]** \* \* \*

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 48:3-33 is amended to read as follows:

2 48:3-33. Any blind person, accompanied by a dog, known and  
3 described as a "seeing-eye dog," any deaf person, accompanied  
4 by a dog, know and described as a "hearing ear dog," *any handi-*  
5 *capped person, accompanied by a dog, known and described as a*  
6 *"service dog,"* or any blind, *handicapped* or deaf person accom-  
7 panied by a guide *or service* dog trained by a recognized training  
8 agency or school, when riding on any bus or other public utility, as  
9 defined in R. S. 48:2-13, engaged in transportation of passengers;  
10 may keep such animal in his or her immediate custody. The board  
11 of public utilities shall prescribe rules and regulations concerning  
12 such custody.

1 2. Section 3 of P. L. 1941, c. 151 (C. 4:19-15.3) is amended to  
2 read as follows:

3 3. The persons applying for the license and registration tag shall  
4 pay the fee fixed or authorized to be fixed in section 12 of this act,  
5 and the sum of \$1.00 for a **\*\*[1-year]\*\*** *one-year* registration  
6 tag or \$3.00 for a **\*\*[3-year]\*\*** *three-year* registration tag for

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted May 6, 1982.

\*\*—Assembly committee amendments adopted May 26, 1983.



7 each dog; and for each renewal, the fee for the license and for the  
 8 registration tag shall be the same as for the original license and  
 9 tag; and said licenses, registration tags and renewals thereof shall  
 10 expire **\*\*[on January 31]\*\*** *\*\*no later than June 30\*\** in the year  
 10A stated on the license**\*\***; *except that this expiration date shall not*  
 10B *require a municipality to alter its schedule for administering rabies*  
 10C *inoculations to any dog to be licensed and registered; nor shall this*  
 10D *expiration date require a municipality to alter its schedule for*  
 10E *renewing licenses and registration tags, provided that the regis-*  
 10F *tration period precedes June 30\*\*.*

11 Only one license and registration tag shall be required in any  
 12 licensing year for any dog owned in New Jersey and such license  
 13 and tag shall be accepted by all municipalities as evidence of  
 14 compliance with this section.

15 Dogs used as guides for blind persons and commonly known as  
 16 "seeing-eye" dogs, *dogs used to assist handicapped persons and*  
 17 *commonly known as "service dogs," or dogs used to assist deaf*  
 18 *persons and commonly known as **\*\*["hearing ear dogs,"]\*\****  
 19 *\*\*\*"hearing ear" dogs,\*\** shall be licensed and registered as other  
 20 dogs hereinabove provided for, except that the owner or keeper of  
 21 such dog shall not be required to pay any fee therefor.

22 License forms and uniform official metal registration tags de-  
 23 signed by the State Department of Health shall be furnished by  
 24 the municipality and shall be numbered serially and shall bear the  
 25 year of issuance and the name of the municipality.

1 3. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read  
 2 as follows:

3 5. As used in this act, unless a different meaning clearly appears  
 4 from the context:

5 a. "Person" includes one or more individuals, partnerships,  
 6 associations, organizations, labor organizations, corporations,  
 7 legal representatives, trustees, trustees in bankruptcy, receivers,  
 8 and fiduciaries.

9 b. "Employment agency" includes any person undertaking to  
 10 procure employees or opportunities for others to work.

11 c. "Labor organization" includes any organization which exists  
 12 and is constituted for the purpose, in whole or in part, of collective  
 13 bargaining, or of dealing with employers concerning grievances,  
 14 terms or conditions of employment, or of other mutual aid or  
 15 protection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-  
 17 tion" includes only those unlawful practices and acts specified in  
 18 section 11 of this act.

19 e. "Employer" includes all persons as defined in subsection a.  
20 of this section unless otherwise specifically exempt under another  
21 section of this act, and includes the State, any political or civil  
22 subdivision thereof, and all public officers, agencies, boards or  
23 bodies.

24 f. "Employee" does not include any individual employed by his  
25 parents, spouse or child, or in the domestic service of any person.

26 g. "Liability for service in the Armed Forces of the United  
27 States" means subject to being ordered as an individual or member  
28 of an organized unit into active service in the Armed Forces of the  
29 United States by reason of membership in the National Guard,  
30 naval militia or a reserve component of the Armed Forces of the  
31 United States, or subject to being inducted into such armed forces  
32 through a system of national selective service.

33 h. "Division" means the "Division on Civil Rights" created by  
34 this act.

35 i. "Attorney General" means the Attorney General of the State  
36 of New Jersey or his representative or designee.

37 j. "Commission" means the Commission on Civil Rights created  
38 by this act.

39 k. "Director" means the Director of the Division on Civil  
40 Rights.

41 l. "A place of public accommodation" shall include, but not be  
42 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-  
43 mer camp, day camp, or resort camp, whether for entertainment  
44 of transient guests or accommodation of those seeking health, rec-  
45 reation or rest; any producer, manufacturer, wholesaler, distrib-  
46 utor, retail shop, store, establishment, or concession dealing with  
47 goods or services of any kind; any restaurant, eating house, or place  
48 where food is sold for consumption on the premises; any place  
49 maintained for the sale of ice cream, ice and fruit preparations or  
50 their derivatives, soda water or confections, or where any beverages  
51 of any kind are retailed for consumption on the premises; any  
52 garage, any public conveyance operated on land or water, or in the  
53 air, any stations and terminals thereof; any bathhouse, boardwalk,  
54 or seashore accommodation; any auditorium, meeting place, or  
55 hall; any theatre, motion-picture house, music hall, roof garden,  
56 skating rink, swimming pool, amusement and recreation park, fair,  
57 bowling alley, gymnasium, shooting gallery, billiard and pool  
58 parlor, or other place of amusement; any comfort station; any  
59 dispensary, clinic or hospital; any public library; any kindergarten,  
60 primary and secondary school, trade or business school, high school,  
61 academy, college and university, or any educational institution

62 under the supervision of the State Board of Education, or the Com-  
63 missioner of Education of the State of New Jersey. Nothing herein  
64 contained shall be construed to include or to apply to any institu-  
65 tion, bona fide club, or place of accommodation, which is in its  
66 nature distinctly private; nor shall anything herein contained apply  
67 to any educational facility operated or maintained by a bona fide  
68 religious or sectarian institution, and the right of a natural parent  
69 or one in loco parentis to direct the education and upbringing of a  
70 child under his control is hereby affirmed; nor shall anything herein  
71 contained be construed to bar any private secondary or post-  
72 secondary school from using in good faith criteria other than race,  
73 creed, color, **\*\*[natural]\*\*** **\*\*national\*\*** origin or ancestry, in the  
74 admission of students.

75 m. "A publicly assisted housing accommodation" shall include  
76 all housing built with public funds or public assistance pursuant to  
77 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,  
78 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.  
79 1949, c. 184, and all housing financed in whole or in part by a loan,  
80 whether or not secured by a mortgage, the repayment of which is  
81 guaranteed or insured by the Federal Government or any agency  
82 thereof.

83 n. The term "real property" includes real estate, lands, tene-  
84 ments and hereditaments, corporeal, and incorporeal, and lease-  
85 holds, provided however, that, except as to publicly assisted hous-  
86 ing accommodations, the provisions of this act shall not apply to  
87 the rental: (1) of a single apartment or flat in a two-family dwell-  
88 ing, the other occupancy unit of which is occupied by the owner as  
89 his residence or the household of his family at the time of such  
90 rental; or (2) of a room or rooms to another person or persons by  
91 the owner or occupant of a one-family dwelling occupied by him as  
92 his residence or the household of his family at the time of such  
93 rental. Nothing herein contained shall be construed to bar any  
94 religious or denominational institution or organization, or any  
95 organization operated for charitable or educational purposes,  
96 which is operated, supervised or controlled by or in connection with  
97 a religious organization, in the sale, lease or rental of real property,  
98 from limiting admission to or giving preference to persons of the  
99 same religion or denomination or from making such selection as is  
100 calculated by such organization to promote the religious principles  
101 for which it is established or maintained.

102 o. "Real estate broker" includes a person, firm or corporation  
103 who, for a fee, commission or other valuable consideration, or by  
104 reason of promise or reasonable expectation thereof, lists for sale,

105 sells, exchanges, buys or rents, or offers or attempts to negotiate a  
106 sale, exchange, purchase, or rental of real estate or an interest  
107 therein, or collects or offers or attempts to collect rent for the use  
108 of real estate, or solicits for prospective purchasers or assists or  
109 directs in the procuring of prospects or the negotiation or closing  
110 of any transaction which does or is contemplated to result in the  
111 sale, exchange, leasing, renting or auctioning of any real estate, or  
112 negotiates, or offers or attempts or agrees to negotiate a loan  
113 secured or to be secured by mortgage or other encumbrance upon  
114 or transfer of any real estate for others; or any person who, for  
115 pecuniary gain or expectation of pecuniary gain conducts a public  
116 or private competitive sale of lands or any interest in lands. In the  
117 sale of lots, the term "real estate broker" shall also include any  
118 person, partnership, association or corporation employed by or on  
119 behalf of the owner or owners of lots or other parcels of real estate,  
120 at a stated salary, or upon a commission, or upon a salary and com-  
121 mission or otherwise, to sell such real estate, or any arts thereof,  
122 in lots or other parcels, and who shall sell or exchange, or offer or  
123 attempt or agree to negotiate the sale or exchange, of any such lot  
124 or parcel of real estate.

125 p. "Real estate salesman" includes any person who, for compen-  
126 sation, valuable consideration or commission, or other thing of  
127 value, or by reason of a promise or reasonable expectation thereof,  
128 is employed by and operates under the supervision of a licensed real  
129 estate broker to sell or offer to sell, buy or offer to buy or negotiate  
130 the purchase, sale or exchange of real estate, or offers or attempts  
131 to negotiate a loan secured or to be secured by a mortgage or other  
132 encumbrance upon or transfer of real estate, or to lease or rent, or  
133 offer to lease or rent any real estate for others, or to collect rents  
134 for the use of real estate, or to solicit for prospective purchasers  
135 or lessees of real estate, or whom is employed by a licensed real  
136 estate broker to sell or offer to sell lots or other parcels of real  
137 estate, at a stated salary, or upon a commission, or upon a salary  
138 and commission, or otherwise to sell real estate, or any parts  
139 thereof, in lots or other parcels.

140 q. "Handicapped" means suffering from physical disability,  
141 infirmity, malformation or disfigurement which is caused by bodily  
142 injury, birth defect or illness including epilepsy, and which shall  
143 include, but not be limited to, any degree of paralysis, amputation,  
144 lack of physical coordination, blindness or visual impediment, deaf-  
145 ness or hearing impediment, muteness or speech impediment  
146 or physical reliance on a *service* or guide dog, wheelchair, or other  
147 remedial appliance or device, or from any mental, psychological or

148 developmental disability resulting from anatomical, psychological,  
149 physiological or neurological conditions which prevents the normal  
150 exercise of any bodily or mental functions or is demonstrable,  
151 medically or psychologically, by accepted clinical or laboratory  
152 diagnostic techniques.

153 r. "Blind person" means any individual whose central visual  
154 acuity does not exceed 20/200 in the better eye with correcting lens  
155 or whose visual acuity is better than 20/200 if accompanied by a  
156 limit to the field of vision in the better eye to such a degree that its  
157 widest diameter subtends an angle of no greater than 20 degrees.

158 s. "Guide dog" means a dog used to assist deaf persons or which  
159 fitted with a special harness so as to be suitable as an aid to the  
160 mobility of a blind person, and is used by a blind person who has  
161 satisfactorily completed a specific course of training in the use of  
162 such a dog as an aid to personal travel, and has been trained by an  
163 organization generally recognized by agencies involved in the  
164 rehabilitation of the blind or deaf as reputable and competent to  
165 provide dogs with training of this type.

166 t. "Guide *or service* dog trainer" means any person who is em-  
167 ployed by an organization generally recognized by agencies in-  
168 volved in the rehabilitation of the blind, *handicapped* or deaf as  
169 reputable and competent to provide dogs with training, and who is  
170 actually involved in the training process.

171 u. "Housing accommodation" means any publicly assisted hous-  
172 ing accommodation or any real property, or portion thereof, which  
173 is used or occupied, or is intended, arranged, or designed to be used  
174 or occupied, as the home, residence or sleeping place of one or more  
175 persons, but shall not include any single family residence the occu-  
176 pants of which rent, lease, or furnish for compensation not more  
177 than one room therein.

178 v. "Public facility" means any place of public accommodation  
179 and any street, highway, sidewalk, walkway, public building, and  
180 any other place or structure to which the general public is regularly,  
181 normally or customarily permitted or invited.

182 w. "Deaf person" means any person whose hearing is so severely  
183 impaired that he is unable to hear and understand normal con-  
184 versational speech through the unaided ear alone, and who must  
185 depend primarily on supportive device or visual communication  
186 such as writing, lip reading, sign language, and gestures.

187 x. "Atypical hereditary cellular or blood trait" means sickle cell  
188 trait, hemoglobin C trait, thalassemia trait, tay-sachs trait, or  
189 cystic fibrosis trait.

190 y. "Sickle cell trait" means the condition wherein the major

191 natural hemoglobin components present in the blood of the in-  
192 dividual are hemoglobin A (normal) and hemoglobin S (sickle  
193 hemoglobin) as defined by standard chemical and physical analytic  
194 techniques, including electrophoresis; and the proportion of hemo-  
195 globin A is greater than the proportion of hemoglobin S or one  
196 natural parent of the individual is shown to have only normal  
197 hemoglobin components (hemoglobin A, hemoglobin A2, hemo-  
198 globin F) in the normal proportions by standard chemical and  
199 physical analytic tests.

200 z. "Hemoglobin C trait" means the condition wherein the major  
201 natural hemoglobin components present in the blood of the in-  
202 dividual are hemoglobin A (normal) and hemoglobin C as defined  
203 by standard chemical and physical analytic techniques, including  
204 electrophoresis; and the proportion of hemoglobin A is greater  
205 than the proportion of hemoglobin C or one natural parent of the  
206 individual is shown to have only normal hemoglobin components  
207 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal propor-  
208 tions by standard chemical and physical analytic tests.

209 aa. "Thalassemia trait" means the presence of the thalassemia  
210 gene which in combination with another similar gene results in the  
211 chronic hereditary disease Cooley's Anemia.

212 bb. "Tay-Sachs trait" means the presence of the tay-sachs gene  
213 which in combination with another similar gene results in the  
214 chronic hereditary disease tay-sachs.

215 cc. "Cystic Fibrosis trait" means the presence of the cystic  
216 fibrosis gene which in combination with another similar gene results  
217 in the chronic hereditary disease cystic fibrosis.

218 dd. "*Service dog*" means any dog individually trained to a handi-  
219 capped person's requirements including, but not limited to, minimal  
220 protection work, rescue work, pulling a wheelchair or retrieving  
221 dropped items.

1 4. Section 1 of P. L. 1971, c. 130 (C. 10:5-29) is amended to read  
2 as follows:

3 1. Any *handicapped*, blind or deaf person accompanied by a  
4 *service or guide dog* trained by a recognized training agency or  
5 school is entitled, with his dog, to the full and equal enjoyment,  
6 advantages, facilities and privileges of all public facilities, subject  
7 only to the following conditions:

8 a. A *handicapped*, blind or deaf person, if accompanied by a  
9 *service or guide dog*, shall keep such dog in his immediate custody  
10 at all times;

11 b. A *handicapped*, blind or deaf person accompanied by a *service*  
12 *or guide dog* shall not be charged any extra fee or payment for  
13 admission to or use of any public facility;

14 c. A *handicapped*, blind or deaf person who has a *service or*  
15 guide dog in his possession shall be liable for any damages done to  
16 the premises of a public facility by such dog.

1 5. Section 3 of P. L. 1977, c. 456 (C. 10:5-29.1) is amended to  
2 read as follows:

3 3. Unless it can be clearly shown that a person's *handicap*, blind-  
4 ness or deafness would prevent such person from performing a  
5 particular job, it is an unlawful employment practice to deny to an  
6 otherwise qualified *handicapped*, blind or deaf person the oppor-  
7 tunity to obtain or maintain employment, or to advance in position  
8 in his job, solely because such person is *handicapped*, blind or deaf  
9 or because such person is accompanied by a *service or* guide dog.

1 6. Section 4 of P. L. 1977, c. 456 (C. 10:5-29.2) is amended to  
2 read as follows:

3 4. A handicapped\*,\* blind or deaf person is entitled to rent, lease  
4 or purchase, as other members of the general public, all housing  
5 accommodations offered for rent, lease, or compensation in this  
6 State, subject to the conditions and limitations established by law  
7 and applicable alike to all persons. Nothing in this section shall  
8 require any person renting, leasing or providing for compensation  
9 real property, to modify such property in any way to provide a  
10 higher degree of care for a *handicapped*, blind or deaf person than  
11 for any other person. A *handicapped*, blind or deaf person who has  
12 a *service or* guide dog, or who obtains a *service or* guide dog, shall  
13 be entitled to full and equal access to all housing accommodations  
14 and shall not be required to pay extra compensation for such *service*  
15 *or* guide dog, but shall be liable for any damages done to the  
16 premises by such dog. Any provision in any lease or rental agree-  
17 ment prohibiting maintenance of a pet or pets on or in the premises  
18 shall not be applicable to a *service or* guide dog owned by a *handi-*  
19 *capped*, blind or deaf tenant.

1 7. Section 5 of P. L. 1977, c. 456 (C. 10:5-29.3) is amended to  
2 read as follows:

3 5. A *service or* guide dog trainer, while engaged in the actual  
4 training process and activities of *service dogs or* guide dogs, shall  
5 have the same rights and privileges with respect to access to public  
6 facilities, and the same responsibilities as are applicable to a *handi-*  
7 *capped*, blind or deaf person.

1 8. Section 9 of P. L. 1980, c. 46 (C. 10:5-29.6) is amended to read  
2 as follows:

3 9. Whenever the law accords rights and privileges to or imposes  
4 conditions and restrictions upon blind persons with respect to their  
5 use of dogs to countervail their handicap, and known and described

6 as "seeing eye" dogs, those rights, privileges, conditions and  
7 restrictions shall also apply to *handicapped or* deaf persons with  
8 respect to their use of dogs to countervail their handicap, and  
9 known and described as *either "service dogs" or "hearing ear" dogs.*

1 \***[10.** (New section) Any handicapped, blind or deaf person who  
2 is a resident or patient of a health care facility as defined by the  
3 "Health Care Facilities Planning Act," P. L. 1971, c. 136 (C.  
4 26:2H-1 et seq.), shall be allowed to keep a service or guide dog  
5 in his possession. No person shall be denied access to any such  
6 facility because the person is accompanied by a service or guide  
7 dog.]\*

1 \***[11.]**\* \*9.\* This act shall take effect immediately.

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S-1145, sponsored by State Senator C. Louis Bassano, R-Union, which extends the rights, privileges and conditions now applied to "seeing eye" dogs to similarly trained dogs which serve other handicapped persons.

S-1329, sponsored by State Senator Matthew Feldman, D-Bergen, which permits the Division of the State Library to establish seven library regions in the State to promote the cooperative use of services and materials among libraries in each region.

S-1366, sponsored by State Senator James R. Hurley, R-Cumberland, which eliminates the proration of State per capita aid between local libraries and the county library in those municipalities which support both. The bill allows the local library to earn State aid based on its municipal support and the county library to earn State aid based on its tax support in each municipality.

S-1454, sponsored by State Senator Garrett W. Hagedorn, R-Bergen, which requires all restaurants to display in food preparation and service areas, posters which illustrate choke prevention techniques such as the "Heimlich Maneuver." Restaurants must also make similar pamphlets available to customers. Posters and pamphlets are to be prepared by the State Department of Health and given to local Boards of Health for distribution. The bill was originally conditionally vetoed. The Governor recommended a \$20,000 appropriation to fund the requirements.