

10:5-29 et al

LEGISLATIVE HISTORY CHECKLIST

("Hearing ear dogs"--
owners have same
rights as those with
"seeing eye dogs")

WUSA 10:5-29 et al; 48:3-33; 4:19-15.3

LAWS OF 1980

CHAPTER 46

Bill No. S16

Sponsor(s) Weiss and others

Date Introduced Pre-filed

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes ~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly April 21, 1980

Senate Jan. 29, 1980

Date of approval June 26, 1980

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly Yes ~~XX~~

Senate Yes ~~XX~~

Fiscal Note ~~XXX~~ No

Veto message ~~XXX~~ No

Message on signing Yes ~~XX~~

Following were printed.

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

2/1/73

46 80
6-26-80
[OFFICIAL COPY REPRINT]

SENATE, No. 16

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators WEISS, HAMILTON, GRAVES, GAGLIANO
and HERBERT

AN ACT to amend the title of "An act concerning the civil rights of a blind person accompanied by a trained dog guide and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and Title 10 of the Revised Statutes," approved May 6, 1971 (P. L. 1971, c. 130), so that the same shall read "An act concerning the civil rights and responsibilities of certain persons owning dogs and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and Title 10 of the Revised Statutes," to amend the body of said act, to amend R. S. 48:3-33, P. L. 1941, c. 151, P. L. 1945, c. 169, and P. L. 1977, c. 456, and to supplement 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. The title of P. L. 1971, c. 130 is amended to read as follows:
2 An act concerning the civil rights *and responsibilities* of [a blind
3 person accompanied by a trained dog guide] *certain persons own-*
4 *ing dogs* and supplementing the "Law Against Discrimination,"
5 approved April 16, 1945 (P. L. 1945, c. 169) and Title 10 of the
6 Revised Statutes.

1 2. 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, accom-*
4 *panied by a dog, known and described as a "hearing ear dog,"* or
5 *any blind or deaf person accompanied by a guide dog trained*
6 *by a recognized training agency or school, when riding on any bus*
7 *or other public utility, as defined in [section] R. S. 48:2-13 [of this*
8 *title], engaged in transportation of passengers; may keep such*
9 *animal in his or her immediate custody. The board of public*

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

10 **[utility commissioners]** *utilities* shall prescribe rules and regula-
10A tions concerning such custody.

1 3. 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
4 shall pay the fee fixed or authorized to be fixed in section 12 of this
5 act, and the sum of \$0.50 for the registration tag of each dog; and
6 for each annual renewal, the fee for the license and for the regis-
7 tration tag shall be the same as for the original license and tag;
8 and said licenses, registration tags and renewals thereof shall
9 expire on January 31 in each year.

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

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

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

1 4. 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, legal
7 representatives, trustees, trustees in bankruptcy, receivers, and
8 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. of
20 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
48 place where food is sold for consumption on the premises; any
49 place maintained for the sale of ice cream, ice and fruit prepara-
50 tions or their derivatives, soda water or confections, or where any
51 beverages of any kind are retailed for consumption on the premises;
52 any garage, any public conveyance operated on land or water, or in
53 the air, any stations and terminals thereof; any bathhouse, board-
54 walk, or seashore accommodation; any auditorium, meeting place,
55 or 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
63 Commissioner of Education of the State of New Jersey. Nothing
64 herein contained shall be construed to include or to apply to any
65 institution, bona fide club, or place of accommodation, which is in
66 its nature distinctly private; nor shall anything herein contained
67 apply to any educational facility operated or maintained by a bona
68 fide religious or sectarian institution, and the right of a natural
69 parent or one in loco parentis to direct the education and upbringing
70 of a child under his control is hereby affirmed; nor shall any-
71 thing herein contained be construed to bar any private secondary or
72 post-secondary school from using in good faith criteria other than
73 race, creed, color, national 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 parts 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 who 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 [seeing eye or] guide dog, wheelchair,
147 or other remedial appliance or device, or from any mental,
148 psychological or developmental disability resulting from
149 anatomical, psychological, physiological or neurological condi-
150 tions which prevents the normal exercise of any bodily or mental
151 functions or is demonstrable, medically or psychologically, by
152 accepted clinical or laboratory 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*
159 *which is fitted with a special harness so as to be suitable as an aid*
160 *to the mobility of a blind person, and is used by a blind or deaf*
161 *person who has satisfactorily completed a specific course of train-*
162 *ing in the use of such a dog [as an aid to personal travel], and has*
163 *been trained by an organization generally recognized by agencies*
164 *involved in the rehabilitation of the blind or deaf as reputable and*
165 *competent to provide dogs with training of this type.*

166 t. "Guide dog trainer" means any person who is employed by
167 an organization generally recognized by agencies involved in the
168 rehabilitation of the blind *or deaf* as reputable and competent to
169 provide dogs with training, and who is actually involved in the
170 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
176 occupants of which rent, lease, or furnish for compensation not
177 more 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
183 severely impaired that he is unable to hear and understand normal
184 conversational 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.

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

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

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

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

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

15 d. A blind *or deaf* person who, after being duly warned of a
16 danger unique to such person's use of a particular public facility,
17 is injured in using such facility and is injured because of a danger
18 of the type about which warning was given, shall be deemed to have
19 assumed the risk of using the public facility.

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

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

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

3 4. A blind *or deaf* person is entitled to rent, lease or purchase,
4 as other members of the general public, all housing accommodations
5 offered for rent, lease, or compensation in this State, subject to
6 the conditions and limitations established by law and applicable
7 alike to all persons. Nothing in this section shall require any
8 person renting, leasing or providing for compensation real prop-
9 erty, to modify such property in any way to provide a higher
10 degree of care for a blind *or deaf* person than for any other person.

11 A blind *or deaf* person who has a guide dog, or who obtains a
12 guide dog, shall be entitled to full and equal access to all housing
13 accommodations and shall not be required to pay extra compensa-
14 tion for such guide dog, but shall be liable for any damages done

15 to the premises by such dog. Any provision in any lease or rental
16 agreement prohibiting maintenance of a pet or pets on or in the
17 premises shall not be applicable to a guide dog owned by a blind
18 *or deaf* tenant.

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

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

1 9. (New section) Wherever the law accords rights and privileges
2 to, or imposes conditions and restrictions upon blind persons with
3 respect to their use of dogs to countervail their handicap, and
4 known and described as "seeing eye" dogs, those rights, privileges,
5 conditions and restrictions shall also apply to deaf persons with
6 respect to their use of dogs to countervail their handicap, and
7 known and described as "hearing ear" dogs.

1 10. This act shall take effect immediately.

15 to the premises by such dog. Any provision in any lease or rental
 16 agreement prohibiting maintenance of a pet or pets on or in the
 17 premises shall not be applicable to a guide dog owned by a blind
 18 *or deaf* tenant.

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

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

1 9. (New section) Wherever the law accords rights and privileges
 2 to, or imposes conditions and restrictions upon blind persons with
 3 respect to their use of dogs to countervail their handicap, and
 4 known and described as "seeing eye" dogs, those rights, privileges,
 5 conditions and restrictions shall also apply to deaf persons with
 6 respect to their use of dogs to countervail their handicap, and
 7 known and described as "hearing ear" dogs.

1 10. This act shall take effect immediately.

STATEMENT

This bill extends the rights and privileges and imposes the conditions and restrictions that apply to blind persons and their "seeing eye" dogs to deaf persons and their "hearing ear" dogs.

This bill also prevents discrimination in employment and housing against deaf persons solely because of their handicap or their ownership and use of guide dogs. Present law applies only to blind persons.

516 (1980)

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 16

STATE OF NEW JERSEY

DATED: JANUARY 17, 1980

This bill extends the rights and privileges and imposes the conditions and restrictions that apply to blind persons and their "seeing eye" dogs to deaf persons and their "hearing ear" dogs. This bill also prevents discrimination in employment and housing against deaf persons solely because of their handicap or their ownership and use of guide dogs. Present law applies only to blind persons.

The committee released this bill without amendment and the intent of the committee with respect to the definition of "deaf person" in section 4 is that this definition includes those persons who use hearing aids as well as those who depend primarily on visual communication.

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 16

[OFFICIAL COPY REPRINT]

with Assembly committee amendment

STATE OF NEW JERSEY

DATED: APRIL 14, 1980

This legislation extends the rights and privileges and imposes certain restrictions presently applying to blind persons with seeing eye dogs to deaf individuals and their hearing ear dogs.

The bill outlaws discrimination in housing and employment against deaf persons because of their handicap or reliance upon guide dogs. The present statute applies only to blind individuals.

The committee agrees with the purpose of this legislation and released the bill with a technical amendment.

FOR IMMEDIATE RELEASE

JUNE 26, 1980

FOR FURTHER INFORMATION

PATRICK J. SWEENEY

Governor Brendan Byrne today signed S-16, sponsored by Senator Laurence S. Weiss (D-Middlesex), which extends the rights and privileges, and imposes the conditions and restrictions, that apply to blind persons and their "seeing eye" dogs to deaf persons and their "hearing ear" dogs.

The bill also prevents discrimination against deaf persons in the use of a bus or other public utility engaged in the transportation of passengers, in the use and enjoyment of public facilities, in employment and in housing solely because of their handicap or their ownership and use of guide dogs.

Signing the bill, Governor Byrne said, "I strongly support an end to discrimination against the handicapped; this bill is a good step in that direction.

"The bill presents certain issues which should be addressed by regulation. Accordingly, I am requesting the appropriate State agencies to prepare regulations concerning the use of leash and harness by deaf persons, recognition of dog training schools, identification of deaf persons and other matters required to effectively implement this law and to further non-discrimination concerning deaf persons."

#####