

10:5-5 et al

LEGISLATIVE HISTORY CHECKLIST

WJSA 10:5-5 et al. (Rights of blind persons)

LAWS OF 1977 CHAPTER 456

Bill No. A3107

Sponsor(s) Barry, Dorsey

Date Introduced March 21, 1977

Committee: Assembly Institutions, Health & Welfare

Senate State Gov't., Federal & Interstate Relations
& Veterans Affairs

Amended during passage ~~Yes~~ No

Date of Passage: Assembly May 26, 1977

Senate Dec. 15, 1977

Date of approval March 2, 1978

Following statements are attached if available:

Sponsor statement Yes ~~XX~~ (Below)

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's Statement:

This bill amends and supplements the "Law Against Discrimination," P.L. 1945, c.169 (C.10:5-1 et seq.), and permits blind persons, or blind persons accompanied by their guide dogs, admission to and use of public facilities without any extra charge for such dogs. It also allows blind persons equal opportunities with respect to employment and housing accommodations. It further allows guide dog trainers the same rights as blind persons concerning access to public facilities.

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CHAPTER 456 LAWS OF N. J. 1977
APPROVED 3-2-78

ASSEMBLY, No. 3107

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1977

By Assemblymen BARRY and DORSEY

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning rights of blind persons, amending and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and amending P. L. 1971, c. 130 (C. 10:5-29 et seq.).

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

1 1. 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" does not include a club exclusively social or a
20 fraternal, charitable, educational or religious association or corpo-
21 ration, if such club, association or corporation is not organized
22 and operated for private profit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

138 q. "Physical handicap" means any physical disability, infirmity,
139 malformation or disfigurement which is caused by bodily injury,
140 birth defect or illness including epilepsy, and which shall include,
141 but not be limited to, any degree of paralysis, amputation, lack of
142 physical coordination, blindness or visual impediment, deafness or
143 hearing impediment, muteness or speech impediment or physical
144 reliance on a seeing eye or guide dog, wheelchair, or other remedial
145 appliance or device.

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

151 s. "*Guide dog*" means a dog which is fitted with a special harness

152 so as to be suitable as an aid to the mobility of a blind person, and
 153 is used by a blind person who has satisfactorily completed a specific
 154 course of training in the use of a dog as an aid to personal travel,
 155 and has been trained by an organization generally recognized by
 156 agencies involved in the rehabilitation of the blind as reputable and
 157 competent to provide dogs with training of this type.

158 t. "Guide dog trainer" means any person who is employed by an
 159 organization generally recognized by agencies involved in the
 160 rehabilitation of the blind as reputable and competent to provide
 161 dogs with training, and who is actually involved in the training
 162 process.

163 u. "Housing accommodation" means any publicly assisted hous-
 164 ing accommodation or any real property, or portion thereof, which
 165 is used or occupied, or is intended, arranged, or designed to be used
 166 or occupied, as the home, residence or sleeping place of one or more
 167 persons, but shall not include any single family residence the
 168 occupants of which rent, lease, or furnish for compensation not
 169 more than one room therein.

170 v. "Public facility" means any place of public accommodation
 171 and any street, highway, sidewalk, walkway, public building, and
 172 any other place or structure to which the general public is regularly,
 173 normally or customarily permitted or invited.

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

3 1. Any blind person [who by reason of loss or impairment of
 4 eyesight is] accompanied by a [dog] guide dog trained by a
 5 recognized training agency or school is entitled, with his dog, to
 6 the full and equal enjoyment, advantages, facilities and privileges
 7 of all [places of public accommodation, amusement, recreation or
 8 resort and to all other places to which the public is invited.]
 9 public facilities, subject only to the following conditions:

10 a. A blind person, if accompanied by a guide dog, shall keep such
 11 dog in his immediate custody at all times;

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

15 c. A blind person who has a guide dog in his possession shall be
 16 liable for any damages done to the premises of a public facility by
 17 such dog;

18 d. A blind person who, after being duly warned of a danger
 19 unique to such person's use of a particular public facility, is injured
 20 in using such facility and is injured because of a danger of the type

21 *about which warning was given, shall be deemed to have assumed*
22 *the risk of using the public facility.*

1 3. (New section) Unless it can be clearly shown that a person's
2 blindness would prevent such person from performing a particular
3 job, it is an unlawful employment practice to deny to an otherwise
4 qualified blind person the opportunity to obtain or maintain employ-
5 ment, or to advance in position in his job, solely because such
6 person is blind or because such blind person is accompanied by a
7 guide dog.

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

1 5. (New section) A guide dog trainer, while engaged in the
2 actual training process and activities of guide dogs, shall have
3 the same rights and privileges with respect to access to public
4 facilities, and the same responsibilities as are applicable to a blind
5 person.

1 6. (New section) A blind person accompanied by a guide dog
2 shall have the right-of-way over vehicles while crossing a highway
3 or any intersection thereof, as provided in P. L. 1939, c. 274
4 (C. 39:4-37.1).

1 7. (New section) Any person who violates the provisions of this
2 act, or who fits a dog with a harness of the type commonly used by
3 blind persons in order to represent that such dog is a guide dog
4 when training of the type that guide dogs normally receive has not
5 in fact, been provided, shall be fined not less than \$100.00 and not
6 more than \$500.00.

1 8. This act shall take effect immediately.

STATEMENT

This bill amends and supplements the "Law Against Discrimination," P. L. 1945, c. 169 (C. 10:5-1 et seq.), and permits blind persons, or blind persons accompanied by their guide dogs, admission to and use of public facilities without any extra charge for such dogs. It also allows blind persons equal opportunities with respect to employment and housing accommodations. It further allows guide dog trainers the same rights as blind persons concerning access to public facilities.