WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

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ENROLLED

HOUSE BILL No. H.B. 23

(By Delegates Mezzatista, Nicol, L. Williams, Willison and Collins)

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Passed ........................................ March 12, 1994

In Effect .................................... 90 Days from Passage
ENROLLED

H. B. 4123

(By Delegates Mezzatesta, Nicol, L. Williams, Willison and Collins)

[Passed March 12, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article fifteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the liability of blind and disabled persons for the actions of a guide or support dog.

Be it enacted by the Legislature of West Virginia:

That section four, article fifteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. WHITE CANE LAW.

§5-15-4. Equal right to use public facilities.

(a) Blind and disabled persons shall have the same right as persons with normal sight to the full and free use of the highways, roads, streets, sidewalks, walkways, public buildings, public facilities and other public places.

(b) Blind and disabled persons are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, restaurants, other places of public accommodation, amusement or resort, and other places to which the general public is invited,
subject only to the conditions and limitations established by law and applicable alike to all persons.

(c) Every blind person, every deaf person and every person who is physically disabled because of any neurological, muscular or skeletal disorder that causes weakness or inability to perform any physical function shall have the right to be accompanied by a guide or support dog, wearing a harness, especially trained for the purpose, which serves as a guide, leader, listener or support in any of the places, accommodations or conveyances specified in subsection (b) of this section without being required to pay an extra charge for the admission of such guide or support dog, but the blind, deaf or disabled person shall, upon request, present for inspection credentials issued by an accredited school for training guide or support dogs. The blind, deaf or disabled person shall be liable for any damage done by such guide or support dog to the premises or facilities or to persons using such premises or facilities: Provided, That the blind, deaf or disabled person shall not be liable for any damage done by such guide or support dog to any person or the property of a person who has contributed to or caused the dog's behavior by inciting or provoking such behavior. Such dog shall not occupy a seat in any public conveyance and shall be upon a leash while using the facilities of a common carrier.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Ernest E. Moore

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 29th day of March, 1994.

Governor

Upton Capito