

HB# 4123

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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



# ENROLLED

HOUSE BILL No. 4123

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



Passed March 12, 1994

In Effect 90 Day 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.**

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

6 (b) Blind and disabled persons are entitled to full and  
7 equal accommodations, advantages, facilities and  
8 privileges of all common carriers, airplanes, motor  
9 vehicles, railroad trains, motor buses, streetcars, boats  
10 or any other public conveyances or modes of transpor-  
11 tation, hotels, lodging places, restaurants, other places  
12 of public accommodation, amusement or resort, and  
13 other places to which the general public is invited,

14 subject only to the conditions and limitations established  
15 by law and applicable alike to all persons.

16 (c) Every blind person, every deaf person and every  
17 person who is physically disabled because of any  
18 neurological, muscular or skeletal disorder that causes  
19 weakness or inability to perform any physical function  
20 shall have the right to be accompanied by a guide or  
21 support dog, wearing a harness, especially trained for  
22 the purpose, which serves as a guide, leader, listener or  
23 support in any of the places, accommodations or  
24 conveyances specified in subsection (b) of this section  
25 without being required to pay an extra charge for the  
26 admission of such guide or support dog, but the blind,  
27 deaf or disabled person shall, upon request, present for  
28 inspection credentials issued by an accredited school for  
29 training guide or support dogs. The blind, deaf or  
30 disabled person shall be liable for any damage done by  
31 such guide or support dog to the premises or facilities  
32 or to persons using such premises or facilities: *Provided,*  
33 That the blind, deaf or disabled person shall not be  
34 liable for any damage done by such guide or support dog  
35 to any person or the property of a person who has  
36 contributed to or caused the dog's behavior by inciting  
37 or provoking such behavior. Such dog shall not occupy  
38 a seat in any public conveyance and shall be upon a  
39 leash while using the facilities of a common carrier.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*Ernest C Moore*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Russell E. Ebbas*  
.....  
Clerk of the Senate

*Donald L. Nopp*  
.....  
Clerk of the House of Delegates

*Paul Brubaker*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker of the House of Delegates

The within *is approved* ..... this the *29<sup>th</sup>*  
day of *March* ..... 1994.

*Gaston Capner*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/94

Time 10:02a