

Arkansas

SUMMARY

The following statutes comprise Arkansas's pertinent service animal laws. These statutes provide criminal penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide felony penalties and restitution for injuring or killing a service animal. It is also a civil offense to misrepresent an untrained dog as a service animal.

1. Date last checked: December 2020

Title 20. Public Health and Welfare. Subtitle 2. Health and Safety (Chapters 6 to 44). Chapter 14. Disabled Persons. Subchapter 3. Rights Generally

§ 20-14-301. Public policy

(a) It is the policy of this state to accord individuals with visual, hearing, or other physical disabilities all rights and privileges of other persons with respect to the use of public streets, highways, sidewalks, public buildings, public facilities, public carriers, public housing accommodations, public amusement and resort areas, and other public areas to which the public is invited, subject only to the limitations and conditions established by law and applicable to all persons and subject to the special limitations and conditions prescribed in this subchapter for individuals with visual, hearing, or other physical disabilities.

(b) It is further the policy of this state that individuals with visual, hearing, or other physical disabilities shall be employed in state service, in the service of political subdivisions of this state, in the public schools, and in all other employment supported in whole or in part by public funds, on the same terms and conditions as individuals with visual, hearing, or other physical disabilities, unless it is shown that the visual, hearing, or other physical disability of a person prevents the performance of the work involved.

Credits

Acts of 1973, Act 484, § 1; Acts of 1979, Act 574, § 1.

§ 20-14-302. Unlawful activities; penalties

Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with the admittance to or enjoyment of public facilities and housing accommodations by an individual with visual, hearing, or other physical disabilities or

otherwise interferes with the rights of an individual with visual, hearing, or other physical disabilities shall be guilty of a misdemeanor.

Credits

Acts of 1973, Act 484, § 6; Acts of 1979, Act 574, § 1.

§ 20-14-303. Rights and privileges

(a) Individuals with visual, hearing, or other physical disabilities shall have the same rights and privileges as other persons to the full use and enjoyment of:

(1) The public streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places;

(2) All common carriers and other public conveyances or modes of transportation, whether by air, land, or water;

(3) All hotels, motels, lodging places, and housing accommodations;

(4) Other places of public accommodation, amusement, or resort; and

(5) All other places to which the general public is invited.

(b) The rights and privileges are subject only to the limitations and conditions established by law and applicable to all persons and subject to the special limitations and conditions prescribed in this subchapter with respect to individuals with visual, hearing, or other physical disabilities.

Credits

Acts of 1973, Act 484, § 2; Acts of 1979, Act 574, § 1.

§ 20-14-304. Right to be accompanied by service animal--Penalty and restitution for killing or injuring a service animal or search and rescue dog.

(a) Every individual with visual, hearing, or other disabilities has the right to be accompanied by a service animal especially trained to do work or to perform tasks for the benefit of an individual with a disability in or upon any and all public ways, public places, and other public accommodations and housing accommodations prescribed in § 20-14-303 and to be accompanied by a service dog as defined in Titles II and III of the Americans with Disabilities Act of 1990, 42 U.S.C § 12101 et seq., as it existed on January 1, 2017, and shall not be required to pay any extra fee or charge for the service animal.

(b) However, any individual with visual, hearing, or other physical disabilities accompanied by a service animal in any public way, public place, public accommodation, or housing accommodation shall be liable for any damage caused to the premises or facilities by the animal.

(c) As used in this section, “search and rescue dog” means any dog:

(1) In training for or trained for the purpose of search and rescue;

(2) Owned by an independent handler or a member of a search and rescue team; and

(3) Used in conjunction with local law enforcement or emergency services organizations for the purpose of locating missing persons or evidence of arson.

(d) Any person who without just cause purposely kills or injures any service animal described in this section or any search and rescue dog is guilty of a Class D felony.

(e) Any person who kills or injures any service animal described in this section or any search and rescue dog shall make restitution to the owner of the animal.

Credits

Acts of 1973, Act 484, § 3; Acts of 1979, Act 574, § 1; Acts of 1995, Act 266, § 1; Acts of 1999, Act 571, § 2, eff. July 30, 1999; Acts of 2017, Act 652, § 2, eff. Aug. 1, 2017.

§ 20-14-305. Housing

(a) Individuals with visual, hearing, or other physical disabilities shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rental, lease, or compensation in this state subject only to the conditions and limitations established by law and applicable alike to other persons.

(b) The provisions of this section with respect to the rights of individuals with visual, hearing, or other physical disabilities to equal access to housing accommodations shall not be deemed to include any accommodations in a facility which is designed and used primarily as a single family residence and a portion of which is rented, leased, or furnished for compensation.

(c) Nothing in this section shall be deemed to require any person renting, leasing, or otherwise providing housing accommodations for compensation to modify his or her accommodations in any way or to provide a higher degree of care for an individual with visual, hearing, or other physical disabilities than for an individual without visual, hearing, or other physical disabilities.

Credits

Acts of 1973, Act 484, § 5; Acts of 1979, Act 574, § 1.

§ 20-14-306. Motor vehicle operators; precautions generally

The driver of a vehicle approaching a visually handicapped or hearing impaired person who is carrying a cane which is predominately white or metallic in color with or without a red tip or using a guide or hearing ear dog or the driver of a vehicle approaching an otherwise handicapped person shall take all reasonable precautions to avoid injury to the pedestrian with visual, hearing, or other physical disabilities.

Credits

Acts of 1973, Act 484, § 4; Acts of 1979, Act 574, § 1.

§ 20-14-308. Guide dog, signal dog and/or service dog access

(a) An individual with visual, hearing, or other physical disabilities and his or her guide, signal, or service dog or a dog trainer in the act of training a guide, signal, or service dog shall not be denied admittance to or refused access to the following because of the dog:

- (1) Any street or highway;
- (2) Any sidewalk or walkway;
- (3) Any common carrier, airplane, motor vehicle, railroad train, bus, streetcar, boat, or any other public conveyance or mode of transportation;
- (4) Any hotel, motel, or other place of lodging;
- (5) Any public building maintained by any unit or subdivision of government;
- (6) Any building to which the general public is invited;
- (7) Any educational facility or college dormitory;
- (8) Any restaurant or other place where food is offered for sale to the public; or
- (9) Any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited within the State of Arkansas.

(b) The individual with visual, hearing, or other physical disabilities, or dog trainer in the act of training a guide, signal, or service dog shall not be required to pay any additional

charges for his or her guide, signal, or service dog but shall be liable for any damage done to the premises by the dog.

Credits

Acts of 2003, Act 1107, § 1, eff. July 16, 2003.

§ 20-14-310. Misrepresentation as a service animal--Civil penalty

(a) An individual shall not misrepresent an animal to be a service animal or service animal-in-training to a person or entity that operates a public accommodation.

(b) An individual who violates subsection (a) of this section may be subject to a civil penalty not to exceed two hundred fifty dollars (\$250) for each violation.

Credits

Acts of 2019, Act 1002, § 1, eff. July 24, 2019.

Title 23. Public Utilities and Regulated Industries. Subtitle 1. Public Utilities and Carriers (Chapters 1 to 29). Chapter 13. Motor Carriers. Subchapter 7. Transportation Network Company Services Act

§ 23-13-717. No discrimination--Accessibility

(a) A transportation network company shall adopt a policy of nondiscrimination with respect to passengers and potential passengers and notify transportation network company drivers of its policy.

(b) Transportation network company drivers shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers.

(c) Transportation network company drivers shall comply with all applicable laws to accommodate service animals.

(d) A transportation network company shall not impose additional charges for providing services to a person with a physical disability because of the disability.

(e)(1) A transportation network company shall provide a passenger an opportunity to indicate whether he or she requires a wheelchair-accessible motor vehicle.

(2) If a transportation network company cannot arrange wheelchair-accessible transportation network company service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

Credits

Acts of 2015, Act 1050, § 1, eff. July 22, 2015.