

Massachusetts

## SUMMARY

The following statutes comprise Massachusetts's pertinent service animal laws. These statutes provide civil penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide civil remedies for interfering with, injuring, or killing a service animal.

### **§ 139. Fees; certificate or statement that dog has been spayed; dogs serving blind persons; dogs owned by persons aged 70 or over; dogs serving deaf persons; refunds**

(a) The fee for a license shall, except as otherwise provided, be determined by a city or town; provided, however, that no fee shall be increased without a majority vote of the city or town council or the voters present at a town meeting.

(b) The license fee for a spayed or neutered dog shall be less than the license fee for an intact dog. Upon application for a license, a city or town clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered; provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a bill from the veterinarian who performed such procedure or a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth describing the dog and stating that the veterinarian has examined the dog, which appears to have been spayed or neutered and incapable of propagation.

(c) No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision. No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license fee or portion thereof paid by mistake be paid or recovered after it has been paid over to a city or town under section 147.

#### Credits

Amended by St.1934, c. 320, § 5; St.1939, c. 23; St.1941, c. 132; St.1956, c. 44, § 2; St.1962, c. 35, § 1; St.1966, c. 535, § 11; St.1971, c. 19; St.1983, c. 59; St.1983, c. 585, § 6; St.2002, c. 369; St.2004, c. 505, eff. April 13, 2005; St.2012, c. 139, § 11, eff. Oct. 31,

**Massachusetts General Laws Annotated. Part I. Administration of the Government (Ch. 1-182). Title XIV. Public Ways and Works (Ch. 81-92B). Chapter 90. Motor Vehicles and Aircraft. Motor Vehicles.**

**§ 14A. Protection of blind pedestrians crossing or attempting to cross ways**

Whenever a totally or partially blind pedestrian, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, crosses or attempts to cross a way, the driver of every vehicle approaching the place where such pedestrian is crossing or attempting to cross shall bring his vehicle to a full stop, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who owns an animal shall restrain and control such animal on a leash when in proximity to a guide dog that is on a public or private way. Nothing contained in this section shall be construed to deprive any totally or partially blind person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing ways, nor shall the failure of such blind person to carry a cane or walking stick or to be guided by a guide dog while on the ways of this commonwealth be held to constitute or be evidence of contributory negligence. Whoever violates any provision of this section shall be punished by a fine of no less than one hundred nor more than five hundred dollars.

CREDIT(S)

Added by St.1949, c. 279. Amended by St.1961, c. 60; St.1992, c. 329, §§ 1, 2.

**Part IV. Crimes, Punishments and Proceedings in Criminal Cases(Ch. 263-280). Title I. Crimes and Punishments (Ch. 263-274). Chapter 272. Crimes Against Chastity, Morality, Decency and Good Order.**

**§ 98A. Physically handicapped persons with dog guides; public places or conveyances; charges or fares; penalties**

Notwithstanding any other provision of law, any blind person, or deaf or hearing handicapped person, or other physically handicapped person accompanied by a dog guide, shall be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodation, within the commonwealth, to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no such blind person, or deaf or hearing handicapped, or other physically handicapped person shall be required to pay any charge or fare for or on account of the transportation on any public conveyance for himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for his own

transportation. Whoever deprives any blind person, or deaf or hearing handicapped person, or other physically handicapped person of any right conferred by this section shall be punished by a fine of not more than three hundred dollars and shall be liable to any person aggrieved thereby for such damages as are set forth in section five of chapter one hundred and fifty-one B; provided, however, that such civic forfeiture shall be of an amount not less than one hundred dollars.

CREDIT(S)

Added by St.1938, c. 155, § 1. Amended by St.1978, c. 93; St.1978, c. 458, § 2; St.1980, c. 71; St.1981, c. 445; St.1983, c. 585, § 10; St.1983, c. 628, § 8; St.1992, c. 286, § 266; St.2000, c. 126; St.2004, c. 149, § 211, eff. July 1, 2004.

### **§ 39C. Hearing dog business; licenses**

Every person engaged in the hearing dog business shall obtain a license therefor from the director, the fee for which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven for the filing thereof, and such license shall expire on December thirty-first following the date of issuance, unless sooner revoked. The director may make rules and regulations governing the issuance and revocation of such licenses and the conduct of any business so licensed, and relative to the maintenance of premises, buildings and conveyances, the health of the dogs and the method and time of inspection of such dogs and such business.

The director shall promptly furnish to the director of the office of deafness the name and address of each person licensed to conduct a hearing dog business, and the person so licensed shall promptly furnish to the director of the office of deafness with the name and address of each person to whom a hearing dog is furnished. A hearing dog shall, for identification purposes, be fitted with a collar and leash which are of a bright color.

CREDIT(S)

Added by St.1983, c. 585, § 5.

### **§ 39D. Hearing dog business; access to public facilities**

A person engaged in the hearing dog business, while actually engaged in the training process and activities of hearing dogs, shall have the same rights, privileges and responsibilities with respect to access to public facilities as those applicable to deaf persons.

CREDIT(S)

Added by St.1983, c. 585, § 5.

**§ 39F. Service dogs; trainer rights**

A person accompanied by and engaged in the raising or training of a service dog, including a hearing, guide or assistance dog, shall have the same rights, privileges and responsibilities as those afforded to an individual with a disability under the Americans with Disabilities Act, 42 U.S.C. sections 12101 et seq.

CREDIT(S)

Added by St.2002, c. 438, § 16.

**§ 43. Penalties for violation of Secs. 39 to 42**

Whoever violates any provisions of sections thirty-nine to forty-two, inclusive, or of any rule or regulation made under section thirty-nine or thirty-nine A, shall be punished for a first offence by a fine of not more than one hundred dollars and for any subsequent offence by a fine of not more than five hundred dollars, or by imprisonment for not more than two and one half years, or both.

CREDIT(S)

Added by St.1941, c. 607, § 1. Amended by St.1946, c. 416, § 2; St.1971, c. 993, § 3.

**Part IV. Crimes, Punishments and Proceedings in Criminal Cases (Ch. 263-280). Title I. Crimes and Punishments (Ch. 263-274). Chapter 272. Crimes Against Chastity, Morality, Decency and Good Order.**

**§ 85B. Assistance animals stolen or attacked; actions for economic and non-economic damages**

(a) A physically impaired person who uses an assistance animal or the owner of the assistance animal, may bring an action for economic and non-economic damages against a person who steals or attacks the assistance animal. The action authorized by this subsection may be brought by the physically impaired person or owner notwithstanding that the assistance animal was in the custody or under the supervision of another person when the theft or attack occurred. If any other non-assistance animal should attack an assistance animal, the owner of the assistance animal may seek compensation from the owner or custodian of the non-assistance animal found to have caused harm to the assistance animal.

(b) If the theft or attack of an assistance animal as described in subsection (a) results in the death of the animal or the animal is not returned or if injuries sustained prevent the

assistance animal from returning to service, the measure of economic damages shall include, but are not limited to, the veterinary medical expenses and the replacement cost of an equally trained assistance animal, without any differentiation for the age or the experience of the animal.

(c) A cause of action shall not arise under this section if the physically impaired individual, owner or the individual having custody or supervision of the assistance animal was engaged in the commission of a crime at the time of injury sustained by the assistance animal.

CREDIT(S)

Added by St.2004, c. 104, eff. Aug. 18, 2004.