

North Dakota

SUMMARY

The following statutes comprise North Dakota's pertinent service animal laws. These statutes provide misdemeanor penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide graduated criminal penalties for interfering with, injuring, or killing a service animal. It is also an infraction to misrepresent an untrained dog as a service animal.

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25-13-01. Legislative policy

It is the policy of this state to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment.

Source: S.L. 1967, ch. 220, § 1.

§ 25-13-01.1. Definitions

For purposes of this chapter "service animal" means any guide dog, signal dog, or other animal trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes an animal trained to provide assistance or protection services to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis.

CREDIT(S)

S.L. 2001, ch. 258, § 1; S.L. 2009, ch. 241, § 1, eff. Aug. 1, 2009.

§ 25-13-02. Individual with a disability-- Service animal--Admission to public places

An individual with a disability is entitled to be accompanied by a service animal in places of public accommodations, common carriers, facilities of a health care provider, and all places to which the public is generally invited, without being required to pay an extra charge for the animal; provided, that the individual is liable for any damage done to the premises or facility by the animal.

CREDIT(S)

S.L. 1967, ch. 220, § 2; S.L. 1983, ch. 316, § 1; S.L. 1985, ch. 314, § 1; S.L. 1989, ch. 340, § 1; S.L. 2001, ch. 258, § 2; S.L. 2009, ch. 241, § 2, eff. Aug. 1, 2009.

§ 25-13-02.1. Trainer and a service animal in training--Admission to public places

1. A trainer with a service animal in training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to pay an extra charge for the service animal in training, provided:

- a. The trainer notifies an onsite manager that a service animal in training is being brought onto the premises;
- b. The trainer wears a photo identification card issued by a nationally recognized service animal training program; and
- c. The trainer is liable for any damage done to the premises or facility by the service animal in training.

2. Upon receiving notice as provided in subsection 1, the onsite manager may not deny admission to the trainer and the service animal in training without good cause.

CREDIT(S)

S.L. 2001, ch. 258, § 3; S.L. 2009, ch. 241, § 3, eff. Aug. 1, 2009.

§ 25-13-02.2. Service animal--Misrepresentation--Penalty

An individual is guilty of an infraction if the individual, in an attempt to gain admission to a public place under this chapter or obtain a reasonable housing accommodation under section 47-16-07.5, knowingly makes a false claim that a pet is a service animal.

Credits

S.L. 2019, ch. 229 (H.B. 1259), § 1, eff. Aug. 1, 2019.

§ 25-13-03. Driver of motor vehicle--Precaution--Individual with service animal

If the driver of a motor vehicle approaches an individual who is blind or visually impaired and who is carrying a cane predominately white or metallic in color, with or without a red tip, or who is accompanied by a service animal, the driver shall take all reasonable precautions to avoid injury to the individual and the service animal. Any driver who fails to take reasonable precautions is liable to the individual for any injury caused. An individual who is blind or visually impaired and not carrying a cane or an individual with a disability who is not accompanied by a service animal has all of the rights and privileges conferred by law upon other individuals. The failure of an individual who is blind or visually impaired to carry a cane or the failure of an individual with a disability to be accompanied by a service animal is not by itself evidence of fault.

CREDIT(S)

S.L. 1967, ch. 220, § 3; S.L. 2001, ch. 258, § 4; S.L. 2009, ch. 241, § 4, eff. Aug. 1, 2009.

§ 25-13-04. Penalty for interfering or denying use of facilities

Any person who denies or interferes with admittance to or enjoyment of the public places or facilities enumerated in section 25-13-02 or otherwise interferes with the rights of an individual who is blind or visually impaired, or with the rights of an individual who is accompanied by a service animal, is guilty of a class A misdemeanor. This section does not apply to a denial of admission under section 25-13-02. 1.

CREDIT(S)

S.L. 1967, ch. 220, § 4; S.L. 1975, ch. 106, § 272; S.L. 2001, ch. 258, § 5; S.L. 2009, ch. 241, § 5, eff. Aug. 1, 2009.

§ 25-13-05. State employment of individuals who are blind or otherwise disabled

It is the policy of this state that individuals who are blind, visually impaired, or otherwise disabled shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds on the same terms and conditions as individuals who are not disabled, unless the particular disability prevents the performance of the work involved.

CREDIT(S)

S.L. 1967, ch. 220, § 5; S.L. 2009, ch. 241, § 7, eff. Aug. 1, 2009.

§ 25-13-06. Killing or injury of service animal--Penalty

1. A person is guilty of a class C felony and is subject to a civil penalty of up to ten thousand dollars if that person willfully and unjustifiably kills, shoots, tortures, torments, beats, kicks, strikes, mutilates, disables, or otherwise injures a service animal.

2. A person is guilty of a class A misdemeanor and is subject to a civil penalty of up to five thousand dollars if that person willfully:

- a. Harasses, taunts, or provokes a service animal; or
- b. Interferes with a service animal while the animal is working.

3. This section does not apply to a veterinarian who terminates the life of a service animal to relieve the animal of undue suffering and pain.

CREDIT(S)

S.L. 2009, ch. 241, § 6, eff. Aug. 1, 2009.

West's North Dakota Century Code Annotated. Title 47. Property. Chapter 47-16. Leasing of Real Property.

§ 47-16-07.5. Disability documentation for service or assistance animal in rental dwelling

A landlord may require reliable supporting documentation be provided by a tenant of a rental dwelling that is subject to a no pets policy, if the tenant asserts a disability requiring a service animal or assistance animal be allowed as an accommodation on the rented premises under any provision of law. Reliable supporting documentation may be provided by a physician or medical professional who does not operate in this state solely to provide certification for service or assistance animals. Reliable supporting documentation must confirm the tenant's disability and the relationship between the tenant's disability and the need for the requested accommodation. A landlord may not require supporting documentation from a tenant if the tenant's disability or disability-related need for a service animal or assistance animal is readily apparent or already known to the landlord.

Credits

S.L. 2015, ch. 313, § 1, eff. Aug. 1, 2015; S.L. 2017, ch. 317 (H.B. 1272), § 1, eff. Aug. 1, 2017.

§ 47-16-07.6. Service animals--Housing--Penalties for furnishing fraudulent disability documentation

1. An individual is guilty of an infraction if the individual, in an attempt to obtain a reasonable housing accommodation under section 47-16-07.5, knowingly makes a false claim of having a disability that requires the use of a service animal or assistance animal or knowingly provides fraudulent supporting documentation in connection with such a claim.

2. If the individual pleads guilty or is convicted of an offense under subsection 1, a lessor may evict a lessee and the lessor is entitled to a damage fee, not to exceed one thousand dollars, from a lessee if the lessee provides fraudulent disability documentation indicating a disability requiring the use of a service animal or assistance animal.

Credits

S.L. 2017, ch. 317 (H.B. 1272), § 2, eff. Aug. 1, 2017.