

Oregon

SUMMARY

1. The following statutes comprise Oregon'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 graduated criminal penalties for interfering with, injuring, or killing a service animal.

659A.143. Assistance animals; places of public accommodation

(1) As used in this section:

a. "Assistance animal" means a dog or other animal designated by administrative rule that has been individually trained to do work or perform tasks for the benefit of an individual.

b. "Assistance animal trainee" means an animal that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual.

c. "Assistance animal trainer" means an individual exercising care, custody and control over an assistance animal trainee during a course of training designed to develop the trainee into an assistance animal.

d. "Place of public accommodation" means a place of public accommodation as defined in ORS 659A.400.

(2) A place of public accommodation or of access to state government services, programs or activities may not:

a. Ask an individual about the nature or extent of a disability that the individual has or may have;

b. Require an individual to provide documentation proving that an animal is an assistance animal or an assistance animal trainee; or

c. Notwithstanding any fee or admission charge imposed for pets, require that a person with a disability or an assistance animal trainer pay a fee or admission charge for an assistance animal or assistance animal trainee.

(3) A place of public accommodation or of access to state government services, programs or activities may:

a. Ask whether an animal is required due to a disability; and

b. Ask about the nature of the work or task that an animal is trained to do or perform or is being trained to do or perform, unless it is readily apparent that the animal performs or is being trained to perform work or a task for the benefit of a person with a disability.

(4) If a place of public accommodation or of access to state government services, programs or activities customarily charges a person for damages that the person causes to the place, the place may charge a person with a disability or an assistance animal trainer for damages that an assistance animal or assistance animal trainee causes to the place.

(5) A person with a disability or an assistance animal trainer must maintain control of an assistance animal or assistance animal trainee. Except as provided in this subsection, control shall be exerted by means of a harness, leash or other tether. If the use of a harness, leash or other tether would interfere with the ability of the animal to do the work or perform the tasks for which the animal is trained or is being trained, control may be exerted by the effective use of voice commands, signals or other means. If an animal is not under control as required in this subsection, a place of public accommodation or of access to state government services, programs or activities may consider the animal to be out of control for purposes of subsection (6) of this section.

(6)(a) Except as provided in this subsection, a place of public accommodation or of access to state government services, programs or activities may not deny a person with a disability or an assistance animal trainer the right to be accompanied by an assistance animal or assistance animal trainee in any area of the place that is open to the public or to business invitees. A place of public accommodation or of access to state government services, programs or activities may require a person with a disability or an assistance animal trainer to remove an assistance animal or assistance animal trainee if:

(A) The animal is not housebroken; or

(B) The animal is out of control and effective action is not taken to control the animal.

(b) A place of public accommodation or of access to state government services, programs or activities may impose legitimate requirements necessary for the safe operations of the place of public accommodation or the services, programs or activities. The place of *public* accommodation or of access to state government services, programs or activities shall ensure that the safety requirements are based on actual risks, not on speculation, stereotypes or generalizations about persons with disabilities.

7. A place of public accommodation or of access to state government services, programs or activities shall make reasonable modifications as necessary to allow an opportunity for a person with a disability who is benefited by the use of an assistance animal to obtain goods, services and the use of the advantages, facilities and privileges of the place or the advantages, facilities *and* privileges of the state government services, programs or activities. For purposes of this subsection, except as provided *in* subsections (6) and (8) of this section, in addition to any other applicable accommodation requirement, allowing the presence of the assistance animal is a reasonable modification.

8. If a place of public accommodation or of access to state government services, programs or

activities requires a person with a disability to remove an assistance animal under subsection (6) of this section, the place shall give the person with a disability a

reasonable opportunity to obtain goods, services and the use of the advantages, facilities and privileges of the place or the advantages, facilities and privileges of the state government services, programs or activities without the assistance animal's presence.

9. A place of public accommodation or of access to state government services, programs or activities is not required to provide care or supervision for an assistance animal or assistance animal trainee.

10. **The protection granted under this section to a person with a disability or an assistance animal trainer does not invalidate or limit the remedies, rights and procedures of any other federal, state or local laws that provide equal or greater protection of the rights of a person with a disability, an assistance animal trainer or individuals associated with a person with a disability.**

Credits

Added by Laws 2013, c. 530, §§ 2, 3, eff. June 26, 2013.

Title 32. Military Affairs; Emergency Services. Chapter 401. Emergency Management and Services. Animal Rescue

401.977. Provisions for companion and service animals

(1) As used in this section:

a. "Companion animal" means a domestic animal commonly kept as a household pet.

b. "Service animal" means an animal that assists or performs tasks for a person with a sensory, emotional, mental or physical disability.

(2) The Office of Emergency Management, in cooperation with the State Department of Agriculture and local governments, shall prepare a written animal emergency operations plan that provides for the evacuation, transport and temporary sheltering of companion animals and service animals during a major disaster or an emergency.

(3) The office, in developing the plan, shall emphasize the protection of human life and shall consider:

a. Allowing owners of service animals to be evacuated, transported and sheltered with their service animals;

b. Establishing a sufficient number of evacuation shelters equipped to temporarily shelter companion animals and service animals in close proximity to a human sheltering facility;

(c) Allowing owners and their companion animals to be evacuated together whenever possible;

d. Establishing an identification system to ensure that owners who are separated from their companion animals or service animals during an evacuation are provided with all information necessary to locate and reclaim their animals;

e. Transporting companion animals or service animals, in cages or carriers that safely and securely confine the animals, in an impending major disaster or emergency;

a. Recommending that animal shelters, humane societies, veterinary offices, boarding kennels, breeders, grooming facilities, animal testing facilities and any other entity that normally houses companion animals or service animals create evacuation plans for the animals housed at their facilities;

- b. Establishing recommended minimum holding periods for companion animals or service animals that are sheltered during a major disaster or an emergency; and
- c. Creating and promoting an educational campaign for owners of companion animals or service animals that will:
 - A. Encourage owners to plan for and incorporate their animals in the owners' personal plans in the event of a major disaster or an emergency; and
 - B. Inform owners of companion animals or service animals about the animal emergency operations plan prepared under this section.

Credits

Renumbered from 401.272 in 2009 by the Legislative Counsel.

**West's Oregon Revised Statutes Annotated. Title 59. Oregon Vehicle Code.
Chapter 811. Rules of the Road for Drivers. Duties to Pedestrians and
Bicycles**

811.035. Failure to stop for a blind or deaf-blind pedestrian; penalty

(1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a pedestrian who has limited vision or a pedestrian who is blind if the driver violates any of the following:

- a. A driver approaching a pedestrian who has limited vision or a pedestrian who is blind or deaf-blind, who is carrying a white cane or accompanied by a dog guide, and who is crossing or about to cross a roadway, shall stop and remain stopped until the pedestrian has crossed the roadway.

b. Where the movement of vehicular traffic is regulated by traffic control devices, a driver approaching a pedestrian who has limited vision or a pedestrian who is blind or deaf-blind shall stop and remain stopped until the pedestrian has vacated the roadway if the pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who have limited vision or pedestrians who are blind or deaf-blind under ORS 814.110.

3. For the purposes of this section, a pedestrian is crossing the roadway when any part or extension of the pedestrian, including but not limited to any part of the pedestrian's body, wheelchair, cane, crutch, bicycle or leashed animal, moves onto the roadway with the intent to proceed.

4. The offense described in this section, failure to stop and remain stopped for a pedestrian who has limited vision or a pedestrian who is blind, is a Class B traffic violation.

Credits

Laws 1983, c. 338, § 549; Laws 1985, c. 16, § 280; Laws 2003, c. 278, § 3; Laws 2007, c. 70, § 329, eff. Jan. 1, 2008; Laws 2011, c. 507, § 2, eff. June 23, 2011; Laws 2017, c. 175, § 3, eff. May 25, 2017.

West's Oregon Revised Statutes Annotated. Title 59. Oregon Vehicle Code. Chapter 814. Pedestrians; Passengers; Livestock; Motorized Wheelchairs; Vehicles with Fewer Than Four Wheels. Pedestrians

814.110. Definitions; blind or deaf-blind pedestrians

(1) The following definitions apply to this section and to ORS 811.035 and 814.120:

- a. "Blind" means visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or having a visual field of 20 degrees or less.
- b. "Dog guide" means a dog that is wearing a dog guide harness and is trained to lead or guide a person who is blind.
- c. "Limited vision" means visual acuity that does not exceed 20/70 and is no worse than 20/200 in the better eye with corrective lenses.
- d. "White cane" means a cane or walking stick that is white in color or white with a red tip.

(2) This section and ORS 811.035 and 814.120 grant and enforce the following rights for pedestrians who are blind or deaf-blind:

- a. A person who has limited vision and a person who is blind or deaf-blind may carry and use a white cane on the highways and other public places of this state for the purposes of identification and mobility.
- b. A person who has limited vision and a person who is deaf-blind may use a white cane marked by a six-inch-wide chartreuse-colored strip at the tip end.

(3) A pedestrian who has limited vision and a pedestrian who is blind or deaf-blind and who is not carrying a white cane or not accompanied by a dog guide has all the rights and privileges granted by

law to all pedestrians.

Credits

Laws 1985, c. 16, § 284; Laws 2007, c. 70, § 344, eff. Jan. 1, 2008; Laws 2017, c. 175, § 1, eff. May 25, 2017.

Discrimination. Chapter 659A, Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement. Unlawful Discrimination Against Persons with Disabilities

659A.141. Theft of or attack on assistance animal; damages recoverable

1. In addition to and not in lieu of any other penalty provided by state law, a person with a disability who uses an assistance animal or the owner of an assistance animal may bring an action for economic and noneconomic damages against any person who steals or, without provocation, attacks the assistance animal. The person with a disability or the owner may also bring an action for such damages against the owner of any animal that, without provocation, attacks an assistance animal. The action authorized by this subsection may be brought by the person with a disability or the owner even if the assistance animal was in the custody or under the supervision of another person when the theft or attack occurred.

2. If the theft of or unprovoked attack on an assistance animal described in subsection (1) of this section results in the death of the animal or the animal is not returned or if injuries sustained in the theft or attack prevent the animal from returning to service as an assistance animal, the measure of economic damages shall include, but need not be limited to, the replacement value of an equally trained assistance animal, without any differentiation for the age or the experience of the animal. In addition, the person with a disability or the owner may recover any other costs and expenses, including, but not limited to, costs of temporary replacement assistance services, whether provided by another assistance animal or a person, incurred as a result of the theft of or injury to the animal.

3. If the theft of or unprovoked attack on an assistance animal described in subsection (1) of this section results in injuries from which the animal recovers and returns to service, or if the animal is stolen but is recovered and returns to service, the measure of economic damages shall include, but need not be limited to, the veterinary medical expenses, costs of temporary replacement assistance services, whether provided by another

assistance animal or a person, and any other costs and expenses incurred by the person with a disability or the owner as a result of the theft of or injury to the animal.

1. A cause of action does not arise under this section if the person with a disability, the owner or the person having custody or supervision of the assistance animal was committing a criminal or civil trespass at the time of the theft of or attack on the assistance animal.

2. The court shall award reasonable attorney fees to the prevailing plaintiff in an action under this section. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court.

3. As used in this section, "assistance animal" has the meaning given that term in ORS 659A.143.

Credits

Renumbered from 346.687 in 2013 by the Legislative Counsel.

HISTORICAL AND STATUTORY NOTES

Formerly:

346.687.

Laws 1993, c. 312, § 2

Laws 1995, c. 618, § 68

Laws 2007, c. 70, § 144

Laws 2013, c. 530, § 7

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e. "Assistance animal" means a dog or other animal designated by administrative rule that has been individually trained to do work or perform tasks for the benefit of an individual.

f. "Assistance animal trainee" means an animal that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual.

g. "Assistance animal trainer" means an individual exercising care, custody and control over an assistance animal trainee during a course of training designed to develop the trainee into an assistance animal.

h. "Place of public accommodation" means a place of public accommodation as defined in ORS 659A.400.

(2) A place of public accommodation or of access to state government services, programs or activities may not:

d. Ask an individual about the nature or extent of a disability that the individual has or may have;

e. Require an individual to provide documentation proving that an animal is an assistance animal or an assistance animal trainee;
or

f. Notwithstanding any fee or admission charge imposed for pets, require that a person with a disability or an assistance animal trainer pay a fee or admission charge for an assistance animal or assistance animal trainee.

(3) A place of public accommodation or of access to state government services, programs or activities may:

c. Ask whether an animal is required due to a disability; and

d. Ask about the nature of the work or task that an animal is trained to do or perform or is being trained to do or perform, unless it is readily apparent that the animal performs or is being trained to perform work or a task for the benefit of a person with a disability.

(4) If a place of public accommodation or of access to state government services, programs or activities customarily charges a person for damages that the person causes to the place, the place may charge a person with a disability or an assistance animal trainer for damages that an assistance animal or assistance animal trainee causes to the place.

(5) A person with a disability or an assistance animal trainer must maintain control of an assistance animal or assistance animal trainee. Except as provided in this subsection, control shall be exerted by means of a harness, leash or other tether. If the use of a harness, leash or other tether would interfere with the ability of the animal to do the work or perform the tasks for which the animal is trained or is being trained, control may be exerted by the effective use of voice commands, signals or other means. If an animal is not under control as required in this subsection, a place of public accommodation or of access to state government services, programs or activities may consider the animal to be out of control for purposes of subsection (6) of this section.

(6)(a) Except as provided in this subsection, a place of public accommodation or of access to state government services, programs or activities may not deny a person with a disability or an assistance animal trainer the right to be accompanied by an assistance animal or assistance animal trainee in any area of the place that is open to the public or to business invitees. A place of public accommodation or of access to state government services, programs or activities may require a person with a disability or an assistance animal trainer to remove an assistance animal or assistance animal trainee if:

(A) The animal is not housebroken; or

(B) The animal is out of control and effective action is not taken to control the animal.

(b) A place of public accommodation or of access to state government services, programs or activities may impose legitimate requirements necessary for the safe operations of the place of public accommodation or the services, programs or activities. The place of *public* accommodation or of access to state government services, programs or activities shall ensure that the safety requirements are based on actual risks, not on speculation, stereotypes or generalizations about persons with disabilities.

9. A place of public accommodation or of access to state government services, programs or activities shall make reasonable modifications as necessary to allow an opportunity for a person with a disability who is benefited by the use of an assistance animal to obtain goods, services and the use of the advantages, facilities and privileges of the place or the advantages, facilities *and* privileges of the state government services, programs or activities. For purposes of this subsection, except as provided *in* subsections (6) and (8) of this section, in addition to any other applicable accommodation requirement, allowing the presence of the assistance animal is a reasonable modification.

10. If a place of public accommodation or of access to state government services, programs or activities requires a person with a disability to remove an assistance animal under subsection (6) of this section, the place shall give the person with a disability a reasonable opportunity to obtain goods, services and the use of the advantages, facilities and privileges of the place or the advantages, facilities and privileges of the state government services, programs or activities without the assistance animal's presence.

11. A place of public accommodation or of access to state government services, programs or activities is not required to provide care or supervision for an assistance animal or assistance animal trainee.

12. **The protection granted under this section to a person with a disability or an assistance animal trainer does not invalidate or limit the remedies, rights and procedures of any other federal, **state** or local laws that provide equal or greater**

protection of the rights of a person with a disability, an assistance animal trainer or **individuals associated with a person with a disability.**

Credits

Added by Laws 2013, c. 530, §§ 2, 3, eff. June 26, 2013.