

Utah

SUMMARY

The following statutes comprise Utah'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 and restitution for interfering with, injuring, or killing a service animal. It is also a misdemeanor offense to misrepresent an untrained dog as a service animal.

Date Last Checked: November 2021

Name Of State: Utah

Criminal or Civil: Criminal, class 3 misdemeanor

State's definition of Service animal: "Service animal" includes any dog that:

- (i) is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; and
- (ii) performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability, including:
 - (A) assisting an individual who is blind or has low vision with navigation or other tasks;
 - (B) alerting an individual who is deaf or hard of hearing to the presence of people or sounds;
 - (C) providing non-violent protection or rescue work;
 - (D) pulling a wheelchair;
 - (E) assisting an individual during a seizure;
 - (F) alerting an individual to the presence of an allergen;
 - (G) retrieving an item for the individual;
 - (H) providing physical support and assistance with balance and stability; or
 - (I) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

Definition Only allows dogs or miniature horses? yes, only allows dogs

Definition allows any animal? No

Certified or other official sounding word? No

Identification Required? No

Specific color of leash, collar, or other gear? No

State has registry? No

Misrepresentation Laws? Yes

Service Animal Protection Act? Yes

Other Problems with the Law? This law does not have protections for miniature horses.

West's Utah Code Annotated. Title 10. Utah Municipal Code. Chapter 8. Powers and Duties of Municipalities. Part 1. General Powers

§ 10-8-65. Regulation of dogs--Service animals permitted

(1) Subject to Section 18-2-101, a municipality may:

(a) license, tax, regulate, or prohibit the keeping of dogs; and

(b) authorize the destruction, sale, or other disposal of a dog if the dog is at large contrary to ordinance.

(2)

(a) As used in this Subsection (2):

(i) "Retired service animal" means a dog that:

(A) at one time was a service animal for the current owner; and

(B) no longer provides service animal services for the owner because of the dog's age or other factors limiting the dog's service capability.

(ii) "Service animal" means a police service canine, as defined in Section 53-16-102.

(b) If a municipality adopts a limit as to the number of dogs a person may keep, the municipality shall allow a person to keep a service animal, a retired service animal, or both in addition to that limit.

Credits

Laws 1911, c. 120, § 1; Laws 1915, c. 100, § 1; Laws 1967, c. 23, § 1; Laws 2014, c. 28, § 1, eff. May 13, 2014; Laws 2014, c. 424, § 1, eff. Jan. 1, 2015.

Title 17. Counties. Chapter 50. General Provisions for Counties. Part 3. County Powers

§ 17-50-336. Service animals permitted

(1) As used in this section:

(a) "Retired service animal" means a dog that:

(i) at one time was a service animal for the current owner; and

(ii) no longer provides service animal services to the owner because of the dog's age or other factors limiting the dog's service capability.

(b) "Service animal" means a police service canine, as defined in Section 53-16-102.

(2) If a county adopts a limit as to the number of dogs a person may keep, the county shall allow a person to keep a service animal, a retired service animal, or both in addition to that limit.

Credits

Laws 2014, c. 28, § 2, eff. May 13, 2014.

Title 62A. Utah Human Services Code. Chapter 5B. Rights and Privileges of a Person with a Disability.

§ 62A-5b-101. Title

This chapter is known as "Rights and Privileges of an Individual with a Disability."

Credits

Laws 2007, c. 22, § 2, eff. April 30, 2007; Laws 2019, c. 190, § 1, eff. May 14, 2019.

§ 62A-5b-102. Definitions

As used in this chapter:

(1) "Disability" has the same meaning as defined in 42 U.S.C. 12102 of the Americans With Disabilities Act of 1990, as may be amended in the future, and 28 C.F.R. 36.104 of the Code of Federal Regulations, as may be amended in the future.

(2)(a) "Service animal" includes any dog that:

(i) is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; and

(ii) performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability, including:

(A) assisting an individual who is blind or has low vision with navigation or other tasks;

(B) alerting an individual who is deaf or hard of hearing to the presence of people or sounds;

(C) providing non-violent protection or rescue work;

(D) pulling a wheelchair;

(E) assisting an individual during a seizure;

(F) alerting an individual to the presence of an allergen;

(G) retrieving an item for the individual;

(H) providing physical support and assistance with balance and stability; or

(l) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

(b) "Service animal" does not include:

(i) an animal other than a dog, whether wild or domestic, trained or untrained; or

(ii) an animal used solely to provide:

(A) a crime deterrent;

(B) emotional support;

(C) well-being;

(D) comfort; or

(E) companionship.

(3) "Support animal" means an animal, other than a service animal, that qualifies as a reasonable accommodation under federal law for an individual with a disability.

Credits

Laws 2007, c. 22, § 3, eff. April 30, 2007; Laws 2009, c. 110, § 1, eff. May 12, 2009; Laws 2011, c. 94, § 1, eff. May 10, 2011; Laws 2019, c. 190, § 2, eff. May 14, 2019.

§ 62A-5b-103. Rights and privileges of an individual with a disability

(1) An individual with a disability has the same rights and privileges in the use of highways, streets, sidewalks, walkways, public buildings, public facilities, and other public areas as an individual who is not an individual with a disability.

(2) An individual with a disability has equal rights to accommodations, advantages, and facilities offered by common carriers, including air carriers, railroad carriers, motor buses, motor vehicles, water carriers, and all other modes of public conveyance in this state.

(3) An individual with a disability has equal rights to accommodations, advantages, and facilities offered by hotels, motels, lodges, and all other places of public accommodation in this state, and to places of amusement or resort to which the public is invited.

(4)(a) An individual with a disability has equal rights and access to public and private housing accommodations offered for rent, lease, or other compensation in this state.

(b) This chapter does not require a person renting, leasing, or selling private housing or real property to modify the housing or property in order to accommodate an individual with a disability or to provide a higher degree of care for that individual than for someone who is not an individual with a disability.

(c) A person renting, leasing, or selling private housing or real property to an individual with a disability shall comply with the provisions of Section 62A-5b-104.

Credits

Laws 2007, c. 22, § 4, eff. April 30, 2007; Laws 2019, c. 190, § 3, eff. May 14, 2019.

§ 62A-5b-104. Right to be accompanied by service animal or support animal--Security deposits--Discrimination--Liability

(1)(a) An individual with a disability has the right to be accompanied by a service animal, unless the service animal is a danger or nuisance to others as interpreted under the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102:

(i) in any of the places specified in Section 62A-5b-103; and

(ii) without additional charge for the service animal.

(b) An owner or lessor of private housing accommodations:

(i) may not, in any manner, discriminate against an individual with a disability on the basis of the individual's possession of a service animal or a support animal, including by charging an extra fee or deposit for a service animal or a support animal; and

(ii) may recover a reasonable cost to repair damage caused by a service animal or a support animal.

(2) An individual who is not an individual with a disability has the right to be accompanied by an animal that is in training to become a service animal or a police service canine, as defined in Section 53-16-102:

(a) in any of the places specified in Section 62A-5b-103; and

(b) without additional charge for the animal.

(3) An individual described in Subsection (1) or (2) is liable for any loss or damage the individual's accompanying service animal, support animal, or animal described in Subsection (2) causes or inflicts to the premises of a place specified in Section 62A-5b-103.

(4) Nothing in this section prohibits the exclusion, as permitted under federal law, of a service animal or a support animal from a place described in Section 62A-5b-103.

Credits

Laws 2007, c. 22, § 5, eff. April 30, 2007; Laws 2009, c. 110, § 2, eff. May 12, 2009; Laws 2012, c. 389, § 1, eff. May 8, 2012; Laws 2019, c. 190, § 4, eff. May 14, 2019.

§ 62A-5b-105. Policy of state to employ individuals with a disability

It is the policy of this state that an individual with a disability is employed in the state service, the service of the political subdivisions of the 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 an individual who is not an individual with a disability, unless it is shown that the particular disability prevents the performance of the work involved.

Credits

Laws 2007, c. 22, § 6, eff. April 30, 2007; Laws 2019, c. 190, § 5, eff. May 14, 2019.

§ 62A-5b-106. Interference with rights provided in this chapter-- Misrepresentation of rights under this chapter

(1) Any individual, or agent of any individual, who denies or interferes with the rights provided in this chapter is guilty of a class C misdemeanor.

(2) An individual is guilty of a class C misdemeanor if:

(a) the individual intentionally and knowingly falsely represents to another person that an animal is a service animal or a support animal;

(b) the individual knowingly and intentionally misrepresents a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as a service animal or a support animal; or

(c) the individual, except for an individual with a disability, uses an animal to gain treatment or benefits only provided for an individual with a disability.

(3) This section does not affect the enforceability of any criminal law, including Subsection 76-6-501(2).

(4) An agent of a protection and advocacy agency, acting in the agent's professional capacity and in compliance with 29 U.S.C. Sec. 794e et seq., 42 U.S.C. Sec. 15041 et seq., and 42 U.S.C. Sec. 1801 et seq., is not criminally liable under Subsection (2).Credits

Laws 2007, c. 22, § 7, eff. April 30, 2007; Laws 2019, c. 190, § 6, eff. May 14, 2019.

§ 62A-5b-107. Annual "White Cane Safety Day" proclaimed

Each year the governor shall take notice of October 15 as White Cane Safety Day.

Laws 2007, c. 22, § 8, eff. April 30, 2007.

Title 41. Motor Vehicles. Chapter 6A. Traffic Code. Part 10. Pedestrians' Rights and Duties.

§ 41-6a-1007. Operators to yield right-of-way to blind pedestrian--Duties of blind pedestrian--Use of cane--Failure to yield--Liability

(1)(a) The operator of a vehicle shall yield the right-of-way to a blind or visually impaired pedestrian:

(i) carrying a clearly visible white cane; or

(ii) accompanied by a guide dog specially trained for that purpose and equipped with a harness.

(b)(i) Except as provided in Subsection (1)(b)(ii), a person who fails to yield the right-of-way is liable for any loss or damage which results as a proximate cause of the failure to yield the right-of-way to blind or visually impaired persons.

(ii) Blind or visually impaired persons shall:

(A) exercise due care in approaching and crossing roadways; and

(B) yield the right-of-way to authorized emergency vehicles giving an audible warning signal.

(2) A pedestrian other than a blind or visually impaired person may not carry a cane as described in Subsection (1).

Laws 2005, c. 2, § 125, eff. Feb. 2, 2005.

Title 18. Dogs. Chapter 1. Injuries by Dogs.

§ 18-1-3. Dogs attacking domestic animals, service animals, hoofed protected wildlife, or domestic fowls

Any person may injure or kill a dog while:

(1) the dog is attacking, chasing, or worrying:

(a) a domestic animal having a commercial value;

(b) a service animal, as defined in Section 62A-5b-102; or

(c) any species of hoofed protected wildlife;

(2) the dog is attacking domestic fowls; or

(3) the dog is being pursued for committing an act described in Subsection (1) or (2).

Laws 1933, c. 17, § 1; Laws 1973, c. 27, § 1; Laws 2000, c. 302, § 1, eff. May 1, 2000; Laws 2007, c. 22, § 1, eff. April 30, 2007.

Title 76. Utah Criminal Code. Chapter 9. Offenses Against Public Order and Decency. Part 3. Cruelty to Animals

§ 76-9-307. Injury to service animals--Penalties

(1) As used in this section:

(a) "Disability" has the same meaning as defined in Section 62A-5b-102.

(b) "Search and rescue dog" means a dog:

(i) with documented training to locate persons who are:

(A) lost, missing, or injured; or

(B) trapped under debris as the result of a natural or man-made event; and

(ii) affiliated with an established search and rescue dog organization.

(c) "Service animal" means:

(i) a service animal as defined in Section 62A-5b-102; or

(ii) a search and rescue dog.

(2) It is a class A misdemeanor for a person to knowingly, intentionally, or recklessly cause substantial bodily injury or death to a service animal.

(3) It is a class A misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from causing:

(a) any substantial bodily injury or the death of a service animal; or

(b) the service animal's subsequent inability to function as a service animal as a result of the animal's attacking, chasing, or harassing the service animal.

(4) It is a class B misdemeanor for a person to chase or harass a service animal.

(5) It is a class B misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from chasing or harassing a service animal while it is carrying out its functions as a service animal, to the extent that the animal temporarily interferes with the service animal's ability to carry out its functions.

(6)(a) A service animal is exempt from quarantine or other animal control ordinances if it bites any person while it is subject to an offense under Subsection (2), (3), (4), or (5).

(b) The owner of the service animal or the person with a disability whom the service animal serves shall make the animal available for examination at any reasonable time and shall notify the local health officer if the animal exhibits any abnormal behavior.

(7) In addition to any other penalty, a person convicted of any violation of this section is liable for restitution to the owner of the service animal or the person with a disability whom the service animal serves for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

(8) If the act committed under this section amounts to an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

CREDIT(S)

Laws 2000, c. 302, § 2, eff. May 1, 2000; Laws 2007, c. 22, § 9, eff. April 30, 2007; Laws 2009, c. 110, § 3, eff. May 12, 2009.

West's Utah Code Annotated. Title 78B. Judicial Code. Chapter 3. Actions and Venue. Part 7. Damages Regarding Injury to or Theft of Assistance Animal

§ 78B-3-701. Definitions

As used in this part:

(1) "Disability" has the same meaning as defined in Section 62A-5b-102.

(2) "Search and rescue dog" means a dog:

(a) with documented training to locate persons who are:

(i) lost, missing, or injured; or

(ii) trapped under debris as the result of a natural or man-made event; and

(b) affiliated with an established search and rescue dog organization.

(3) "Service animal" means:

(a) a service animal, as defined in Section 62A-5b-102; or

(b) a search and rescue dog.

CREDIT(S)

Laws 2008, c. 3, § 735, eff. Feb. 7, 2008; Laws 2009, c. 110, § 4, eff. May 12, 2009.

§ 78B-3-702. Damages recoverable for harm to or theft of service animal

(1) A person with a disability who uses a service animal, or the owner of a service animal has a cause of action for economic and noneconomic damages against:

(a) any person who steals or, without provocation, attacks the service animal; and

(b) the owner or keeper of any animal that without provocation attacks a service animal due to the owner's or keeper's negligent failure to exercise sufficient control over the animal to prevent the attack.

(2) The action authorized by this section maybe brought by a person with a disability who uses the service animal, or the owner of the service animal.

(3) The measure of economic damages in an action brought under Subsection (1) regarding a service animal that is not returned or is killed or injured due to an unprovoked attack so that the service animal is unable to function again as a service animal includes:

(a) the replacement value of an equally trained service animal, without any differentiation for the age or experience of the animal; and

(b) costs and expenses incurred by the person with a disability or the owner, including:

(i) costs of temporary replacement assistance services, whether provided by another service animal or by a person;

(ii) reasonable costs incurred in efforts to recover a stolen service animal; and

(iii) court and attorney costs incurred in bringing an action under this section.

(4) If the unprovoked attack on a service animal results in injuries from which the animal recovers so it is able to again function as a service animal for the person with a disability, or if the theft of the service animal results in the recovery of the service animal and the animal is again able to function as a service animal for the person with a disability, the measure of economic damages is the costs and expenses incurred by the person with a disability or the owner as a result of the theft of or injury to the service animal, and includes:

(a) veterinary medical expenses;

(b) costs of temporary replacement assistance services, whether provided by another service animal or a person;

(c) costs incurred in recovering the service animal, such as a reward; and

(d) court and attorney costs incurred in bringing an action under this section.

CREDIT(S)

Laws 2008, c. 3, § 736, eff. Feb. 7, 2008.

§ 78B-3-703. Limitation on cause of action

A cause of action does not exist under this section if the person with a disability who uses the service animal or the person having custody or supervision of the service animal was committing a civil or criminal trespass at the time of the:

(1) theft of, or the chasing or harassment of the service animal by a person who owns or exercises control over the property upon which the trespass is committed; or

(2) attack upon, or the chasing or harassment of a service animal by an animal that is currently kept or maintained on the property where the trespass is committed.

CREDIT(S)

Laws 2008, c. 3, § 737, eff. Feb. 7, 2008.