

# House Bill 3098

Sponsored by Representative SCHOUTEN (at the request of Darin Campbell for Working Dogs Oregon)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates offense of misrepresenting dog as service dog. Makes first or second offense within five-year period punishable by fine of not less than \$500 and not more than \$750. Makes third or subsequent offense within five-year period punishable by not more than 30 days' imprisonment, \$1,250 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to misrepresenting a dog as a service dog.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Disability" means a physical or mental impairment that substantially limits one or**  
6 **more major life activities of the individual.**

7 (b) **"Place of public accommodation" has the meaning given that term in ORS 659A.400.**

8 (c) **"Posted" means having a durable notice in a conspicuous location near each public**  
9 **entry.**

10 (d) **"Service dog" means a dog that:**

11 (A) **Has been individually trained to do work or perform tasks for the benefit of an indi-**  
12 **vidual that directly relate to a disability of the individual; or**

13 (B) **Is undergoing a course of development and training to do work or perform tasks for**  
14 **the benefit of an individual that directly relate to a disability of the individual.**

15 (2) **A person commits the offense of misrepresenting a dog as a service dog if:**

16 (a) **The person brings a dog into a place of public accommodation;**

17 (b) **The dog is not a service dog;**

18 (c) **The place is posted to inform visitors that dogs other than service dogs are not wel-**  
19 **come at the place; and**

20 (d)(A) **In response to an inquiry by an owner or employee of the place of public accom-**  
21 **modation, falsely asserts that the animal is a service dog; or**

22 (B) **There is affixed to the dog any false information or improper identification vest, tag,**  
23 **license, permit or other device that falsely portrays the dog as a service dog.**

24 (3) **Misrepresenting a dog as a service dog is:**

25 (a) **For a first or second offense committed during any five-year period, an unclassified**  
26 **violation, subject to a fine of not less than \$500 and not more than \$750.**

27 (b) **For a third or subsequent offense during any five-year period, a Class C misdemeanor.**  
28

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.