

TITLE 56
PUBLIC ASSISTANCE AND WELFARE

CHAPTER 7
RIGHTS OF THE BLIND AND PERSONS WITH DISABILITIES

56-701. POLICY OF STATE. It is the policy of this state to encourage and enable the blind, the visually impaired, the hearing impaired, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment.

[56-701, added 1969, ch. 69, sec. 1, p. 212; am. 1984, ch. 147, sec. 4, p. 343; am. 2010, ch. 235, sec. 48, p. 588.]

56-701A. DEFINITIONS. As used in this chapter and chapter 58, title 18, Idaho Code:

(1) "Assistance device" means a cane or walking stick, predominantly white or metallic in color, with or without red tip, or a manual or motorized wheelchair or similar scooter, or other similar devices that enhance the safety or mobility of a disabled person.

(2) "Assistance dog" means a dog that has been trained as a guide dog for a blind or visually impaired person, a hearing dog for a hearing-impaired person, or a service dog for a disabled person.

(3) "Disabled person" means a hearing, visually, mentally or physically impaired person.

(4) "Dog-in-training" means a dog being specifically trained to develop social, environmental and other skills needed for admission to a training school or other program for assistance dogs. Dogs-in-training shall wear a jacket, collar, scarf or other similar article identifying it as a dog-in-training.

(5) "Guide dog" means a dog that has been specially trained to aid a particular blind or visually impaired person.

(6) "Hearing dog" means a dog that has been specially trained to aid a particular hearing-impaired person.

(7) "Hearing-impaired person" means a person who has a hearing impairment manifested by a speech discrimination score of forty percent (40%) or more in the better ear with appropriate correction as certified by a licensed otologist, licensed audiologist, or the Idaho division of vocational rehabilitation.

(8) "Physically impaired person" means any person with any substantial physical disability that prevents normal participation in community or life activities as are available and participated in by persons with no such afflictions or conditions of the same age and sex.

(9) "Service dog" means a dog that has been specially trained to aid a particular physically or mentally disabled person with a disability other than sight or hearing impairment.

(10) "Visually impaired person" means any person who is blind, totally blind, partially blind or otherwise visually impaired, meaning such person has central visual acuity not exceeding 20/200 in the better eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than twenty (20) degrees.

[56-701A, added 1984, ch. 147, sec. 5, p. 344; am. 1992, ch. 58, sec. 5, p. 170; am. 1994, ch. 159, sec. 2, p. 360; am. 1997, ch. 267, sec. 8, p. 766; am. 2002, ch. 345, sec. 34, p. 977; am. 2010, ch. 235, sec. 49, p. 588; am. 2018, ch. 144, sec. 1, p. 298.]

56-702. RIGHT TO FULL AND FREE USE OF STREETS, HIGHWAYS, PUBLIC BUILDINGS AND PUBLIC FACILITIES. The blind, the visually impaired, the hearing impaired, and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

[56-702, added 1969, ch. 69, sec. 2, p. 212; am. 1984, ch. 147, sec. 6, p. 344; am. 2010, ch. 235, sec. 50, p. 589.]

56-703. RIGHT TO FULL AND EQUAL ACCOMMODATIONS IN ALL COMMON CARRIERS, HOTELS, LODGING HOUSES, PLACES OF PUBLIC ACCOMMODATION OR OTHER PUBLIC PLACES. The blind, the visually impaired, the hearing impaired, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, and railroad trains, motor buses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodations, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

[56-703, added 1969, ch. 69, sec. 3, p. 212; am. 1984, ch. 147, sec. 7, p. 344; am. 2010, ch. 235, sec. 51, p. 589.]

56-704. RIGHT TO USE OF ASSISTANCE DOG -- LIABILITY. Every disabled person shall have the right to be accompanied by an assistance dog, in any of the places listed in section 56-703, Idaho Code, without being required to pay an extra charge for the assistance dog; provided that he shall be liable for any damage done to the premises or facilities by his dog.

[56-704, added 1969, ch. 69, sec. 4, p. 212; am. 1984, ch. 147, sec. 8, p. 344; am. 1997, ch. 267, sec. 9, p. 767.]

56-704A. RIGHTS OF PERSONS WITH DOGS-IN-TRAINING -- LIABILITY. Every person who is specially training or socializing a dog for the purpose of being an assistance dog shall have the right to be accompanied by the dog in any of the places listed in section 56-703, Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become an assistance dog. The person accompanying the dog-in-training shall carry and upon request display an identification card issued by a recognized school for assistance dogs or organization which serves disabled persons. The person shall be fully liable for any damages done to the premises or facilities by the dog and no liability to other persons shall be attached to the owner, lessor or manager of the property, arising out of activities permitted by this chapter.

[56-704A, added 1983, ch. 75, sec. 2, p. 162; am. 1992, ch. 58, sec. 6, p. 170; am. 1994, ch. 159, sec. 3, p. 361; am. 1997, ch. 267, sec. 10, p. 768.]

56-705. CIVIL LIABILITY FOR INTENTIONAL VIOLATION OF STATUTES PROTECTING DISABLED PERSONS. Civil action may be brought against any person intentionally violating the provisions of section 18-5811, 18-5811A, 18-5812 or

18-5812A, Idaho Code, with judgment awarded upon proof of the elements to a preponderance of the evidence. As a part of any such civil judgment, a successful plaintiff shall be awarded punitive damages in an amount equal to all other damages suffered by the plaintiff, but in no event less than five hundred dollars (\$500). The failure of a disabled person to use an assistance device or assistance dog shall not be held to constitute nor be evidence of contributory negligence in any civil action.

[56-705, added 1997, ch. 267, sec. 12, p. 768.]

56-706. INTERFERENCE WITH RIGHTS OR ACTIVITIES -- PENALTY. Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in this chapter or otherwise interferes with the rights of a totally or partially blind, hearing impaired, or otherwise disabled person under this chapter shall be guilty of a misdemeanor.

[56-706, added 1969, ch. 69, sec. 6, p. 212; am. 1984, ch. 147, sec. 10, p. 345.]

56-707. RIGHT TO BE EMPLOYED IN EMPLOYMENT SUPPORTED IN WHOLE OR IN PART BY PUBLIC FUNDS -- RESTRICTION -- USE OF SICK LEAVE. (1) The blind, the visually impaired, the hearing impaired, and the otherwise disabled shall be 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 the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

(2) Persons employed as provided in subsection (1) of this section, may use accrued sick leave for the purpose of obtaining guide dogs and necessary training.

[56-707, added 1969, ch. 69, sec. 7, p. 212; am. 1984, ch. 147, sec. 11, p. 345; am. 2010, ch. 235, sec. 52, p. 589.]

56-708. ABLE ACCOUNTS. (1) Findings and intent. The federal achieving a better life experience (ABLE) act, public law 113-295, 26 U.S.C. 529A, provides that a state may establish a program under which certain individuals with disabilities may open accounts in order to save money to pay for qualified disability expenses, such as expenses relating to education, housing, transportation, employment training and assistive technology. These accounts may be opened by qualified Idahoans in any state having an ABLE account program, and are to be disregarded when determining an individual's eligibility for assistance programs established by federal law, including medicaid and supplemental security income. Though Idaho has not implemented its own ABLE account program, the legislature finds that ABLE accounts promote dignified personal independence and opportunities for individuals with disabilities. It is therefore the intent of the legislature to ensure that the state provide technical assistance to Idahoans interested in opening ABLE accounts in other states, and to protect the eligibility of individuals who have such ABLE accounts when applying for state or local assistance.

(2) Eligibility. Notwithstanding any provision of state law or local ordinance to the contrary, if an applicant for a state or local assistance program or a need-based state or local grant has an ABLE account in another state, the account, and any activity related thereto, shall be disregarded when determining the applicant's eligibility for the assistance program or

grant to the extent that the account and any activity related thereto would be disregarded in determining the applicant's eligibility for an assistance program established by federal law.

(3) Technical assistance. Subject to appropriation, there is hereby established a function to provide individuals with disabilities, and those assisting them, technical assistance relating to the ABLE act. Such function shall be within the Idaho state independent living council until such time as it might be assigned to another appropriate agency. Such technical assistance shall include information and assistance with respect to setting up ABLE accounts in other states, whether through or in conjunction with databases and websites operated by or under the auspices of organizations or government agencies, or otherwise, and the provision of information related to financial literacy.

[56-708, added 2017, ch. 65, sec. 1, p. 154.]