Service Animals, the Americans with Disabilities Act, and Public Transportation

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Logos for Disability Rights Tennessee and Tennessee Disability Coalition

Picture of service dog in harness

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The Americans with Disabilities Act (ADA) Title II

applies to State and local government entities

protects qualified individuals with disabilities from discrimination on the basis of disability

the prohibition on discrimination applies to all activities of State and local governments

Picture Americans with Disabilities Act images of ear with sound waves, stick figure in wheelchair, person with a cane, hands signing ADA

Service Animals ADA Definition, Title II

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.

There is also a separate provision about miniature horses.

NOTE: Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Picture of person in wheelchair with service animal in vest on hind legs

Service Animals Department of Transportation ADA Part One  
Different from Title II Definition of Service Animal

Service animal is defined as any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability…

Picture of service animal in harness

Service Animals Department of Transportation ADA Part Two

…including, but not limited to,

guiding individuals with impaired vision,

alerting individuals with impaired hearing to intruders or sounds,

providing minimal protection or rescue work,

pulling a wheelchair, or fetching dropped items”

Picture of service animal in harness

Service Animals

Service animals are working animals, not pets.

Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

The work or task a dog has been trained to provide must be directly related to the person’s disability.

Picture of service animal in harness

Caution!

Members of the public may find that some service animals may no

longer be considered service animals once they leave a public

transportation system.

For example, a cat trained to retrieve items for a person who uses a wheelchair for mobility may be a service animal on public transportation but would not be a service animal in a state government building.

Under Handler’s Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual’s disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks.

Otherwise, the individual must maintain control of the animal through voice, signal, or other effective controls.

Picture of harness

Service Animals

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go.

Picture of service animal in harness

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals Part 1

When it is not obvious what service an animal provides, only limited inquiries are allowed.

Staff may ask two questions:

is the dog a service animal required because of a disability, and

what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals Part 2

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.

A person with a disability cannot be asked to remove his service animal from the premises unless:

the dog is out of control and the handler does not take effective action to control it or

the dog is not housebroken.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals  
Part 3  
People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals.

If a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.

Staff are not required to provide care for or supervision of a service animal.

Relationship of ADA to Other Laws

The Fair Housing Act covers service animal provisions for residential housing situations

The Air Carrier Access Act covers service animal provisions for airline travel.

NOTE: The definition of a service animal under each of these laws is different from the definition under the ADA.

Federal Authority/Enforcement

Title II -- Regulated and enforced by the U.S. Department of Justice, Civil Rights Division

Public Transportation - Federal Transit Administration (FTA) Office of Civil Rights

State Laws Vary  
Some states laws make it illegal to falsely claim that an animal is a service animal or falsely claim that you are entitled to be accompanied by a service animal.

Most violations are usually a misdemeanor.

Penalties vary by state for violating these laws.

Recent State Law – Missouri July 2020

Updates service and assistance animal legislation

Misrepresentation of a service dog or assistance animal includes but is not limited to knowingly:

creating false documents

providing false documents to another person

misrepresenting facts to a health care provider to obtain documentation

Class C misdemeanor and responsible for any actual damages incurred during the interaction

Proposed Legislation in Tennessee

Tennessee does not have any laws regarding the misrepresentation of a service animal in ADA-covered areas, including public transportation

Proposed 2020 legislation that would make it illegal to falsely claim an animal is a service animal in places of public accommodation has been put on hold

Future?

Resources to Share  
Service Animals

https://www.ada.gov/service\_animals\_2010.htm

Frequently Asked Questions about Service Animals and the ADA

https://www.ada.gov/regs2010/service\_animal\_qa.html

United States Department of Transportation -- Accessibility

https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/accessibility

Service Animal Resource Hub

https://adata.org/service-animal-resource-hub

This is a partial list; a full list will be sent as follow-up to all participants