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ILLINOIS ATTORNEY GENERAL

SERVICE ANIMALS: A Guide for Illinois Businesses and other Public Accommodations

The 1.7 million people with disabilities in Illinois have the same rights to free and equal participation in society that people without disabilities have. Service animals often assist people with disabilities to perform tasks that are essential to their independence. Without such assistance, these individuals would be unable to perform common everyday tasks.

The Office of the Attorney General has made it a top priority to ensure that individuals with disabilities have fair and equal access to all public accommodations and modes of transportation. The information provided in this pamphlet outlines your legal obligation to accommodate people with disabilities.

Planes, Trains and Automobiles Too?

The Americans with Disabilities Act also prohibits discrimination against people with disabilities by public transit systems offered by state or local governments (such as trains or buses) and by private transportation companies (taxicab services, airlines, buses or shuttle buses).

According to the ADA, operators of these modes of transportation must allow service animals to accompany their owners with disabilities in the vehicle. Transportation providers also cannot charge higher fares or fees for transporting people with disabilities and their service animals. The fare must be the same as that charged to other people for the same or equivalent service.

What is a Service Animal?

The Americans with Disabilities Act (ADA) defines a service animal as any guide, signal dog, or other animal individually trained to provide assistance to a person with a disability. An animal fitting this description is considered a service animal under the ADA regardless of whether the animal is licensed or certified by state or local government.

Service animals help people with disabilities perform tasks that they would not be able to do without assistance. Most of us are familiar with “seeing-eye dogs” used by people who have visual impairments. However, service animals are also able to help people with a variety of other disabilities as well. Examples include:

- Alerting people with hearing impairments to sounds
- Pulling wheelchairs or carrying and picking up things for people with mobility impairments.
- Providing balance assistance for people with mobility impairments.

Service Animal vs. Pet

If you are uncertain whether the animal is a service animal or a pet, you may ask the person if it is a service animal needed because of a disability. Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. However, an individual who is going to a restaurant or theater is not likely to be carrying those documents or documentation of his or her medical condition or disability.

Therefore, such documentation is NOT required as a condition to permit entry of an individual

accompanied by a service animal.

How the Law Affects Your Business or Public Accommodation

The Americans with Disabilities Act prohibits discrimination against people with disabilities by privately owned businesses and other accommodations that are open to the public—such as restaurants, hotels, retail stores, theaters, parks, government offices, concert halls, and sport facilities. These businesses and public accommodations must allow people with disabilities to bring their service animals onto their premises in whatever areas the public is generally allowed.

Under the Illinois Guide Dog Access Act and White Cane Law, a person who has a visual impairment, hearing impairment or physical disability and is accompanied by a service dog is guaranteed the right of entry and use of all public accommodations, including modes of transportation.

Violation of the Guide Dog Access Act is a Class C misdemeanor, punishable by up to 30 days in jail and a \$500 fine.

Violation of the White Cane Law is a Class A misdemeanor, punishable by up to one year in jail and a \$1,000 fine.

Frequently Asked Questions

What must I do when an individual with a service animal comes into my business or public accommodation?

The service animal must be permitted to accompany an individual with a disability to all areas generally accessible to the public. An individual with a service animal may not be segregated from other people.

I have always had a clearly posted “no pets” policy at my establishment. Must I change my policy to admit service animals?

Yes. A service animal is not a pet. The ADA requires you to modify your “no pets” policy to allow use of a service animal by a person with a disability. This does not mean you must abandon your “no pets” policy altogether but simply that you must make an exception to your general rule for service animals.

My county health department has told me that only a seeing eye or guide dog has to be admitted. If I follow these regulations, am I violating the ADA?

Yes. If you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws you would be in violation of the ADA. The ADA provides greater protection for individuals with disabilities and takes priority over local or state laws or regulations.

Am I responsible for the animal while the person with a disability is in my business or public accommodation?

No. The care and supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care, food or a special location for the animal.

Can I charge a maintenance or cleaning fee for people who bring service animals into my business or public accommodation?

No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition of allowing the service animal to accompany the individual with a disability, even if deposits

are routinely required for pets.

However, a public accommodation may charge a person with disabilities if the service animal causes damage and it is the regular practice of the entity to charge people without disabilities for the same type of damages.

Where can I file a complaint alleging a violation of the ADA or state law?

An ADA complaint can be filed with the U.S. Department of Justice. A complaint alleging a violation of the White Cane Law or the Guide Dog Access Act can be filed with your county's states attorney.

Illinois Attorney General's Office

www.IllinoisAttorneyGeneral.gov

Disability Rights Bureau

Springfield

500 South Second Street

Springfield, IL 62706

(217) 524-2660

TTY: (877) 844-5461

Chicago

100 West Randolph Street

Chicago, IL 60601

(312) 814-5684

TTY: (800) 964-3013

Carbondale

1001 East Main Street

Carbondale, IL 62901

(618) 529-6400

TTY: (877) 675-9339

For more information on service animals or other requirements of the ADA, call the U.S Department of Justice's toll free ADA information line at (800) 514-0301

[TTY: (800) 514-0383]

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