

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 3282, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator David

David-TEK-FS-Req#3654
4/25/2018 4:45 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 3282

By: Kannady of the House

and

David of the Senate

FLOOR SUBSTITUTE

[landlord and tenant - documentation of disability -
service animal - remedies and damages - codification
- effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 113.2 of Title 41, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section, "assistance animal" means an animal
that works, provides assistance or performs tasks for the benefit of
a person with a disability, or provides emotional support that
alleviates one or more identified symptoms or effects of a person's
disability. "Assistance animal" includes a service animal
specifically trained or equipped to perform tasks for a person with

1 a disability, or an emotional support animal that provides support
2 to a person with a disability who has a disability-related need for
3 such support.

4 B. A person with a disability may submit a request for a
5 reasonable accommodation to maintain an assistance animal in a
6 dwelling pursuant to the Fair Housing Act, as amended, 42 U.S.C.,
7 Section 3601 et seq., the Americans with Disabilities Act of 1990,
8 42 U.S.C., Section 12101 et seq., and Section 504 of the
9 Rehabilitation Act of 1973, as amended, 29 U.S.C., Section 701 or
10 any other federal, state or local law. Unless the person making the
11 request has a disability or disability-related need for an
12 assistance animal that is readily apparent, the landlord may request
13 reliable supporting documentation that (1) is necessary to verify
14 that the person meets the definition of disability pursuant to the
15 Fair Housing Act, (2) describes the needed accommodation, and (3)
16 shows the relationship between the person's disability and the need
17 for the requested accommodation. The landlord may independently
18 verify the authenticity of any supporting documentation. Supporting
19 documentation that was acquired through purchase or exchange of
20 funds for goods and services shall be presumed to be fraudulent
21 supporting documentation.

22 C. A landlord shall not be liable for injuries by a person's
23 assistance animal permitted on the landlord's property as a
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1 reasonable accommodation to assist the person with a disability
2 pursuant to the requirements of subsection B of this section.

3 D. If a person obtains a reasonable housing accommodation under
4 this section by knowingly making a false claim of having a
5 disability that requires the use of an assistance animal or by
6 knowingly providing fraudulent supporting documentation in
7 connection with such claim, the landlord may remedy the person's
8 noncompliance by the procedures authorized pursuant to the Oklahoma
9 Residential Landlord and Tenant Act in Section 132 of Title 41 of
10 the Oklahoma Statutes. Additionally, a prevailing landlord in an
11 eviction action under this section may be awarded court costs and
12 fees, plus damages not to exceed One Thousand Dollars (\$1,000.00)
13 from the tenant.

14 SECTION 2. This act shall become effective November 1, 2018.

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16 56-2-3654 TEK 4/25/2018 4:45:47 PM
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