

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 248**

Introduced by Howard, 9.

Read first time January 14, 2019

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to deaf or hard of hearing persons; to amend
- 2 sections 20-126, 20-128, 20-131.01, 20-131.04, 28-1009.01, 71-4720,
- 3 and 83-101.14, Reissue Revised Statutes of Nebraska; to change
- 4 terminology relating to hearing-impaired persons; to remove obsolete
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-126, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 20-126 It is the policy of this state to encourage and enable blind,  
4 visually handicapped, deaf or hard of hearing ~~hearing-impaired~~, or  
5 physically disabled persons to participate fully in the social and  
6 economic life of the state and to engage in remunerative employment.

7 Sec. 2. Section 20-128, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 20-128 In addition to the provisions of sections 28-1313 and  
10 28-1314, the driver of a vehicle approaching a totally or partially blind  
11 pedestrian who is carrying a cane predominantly white or metallic in  
12 color or using a service animal or a deaf or hard of hearing ~~hearing-~~  
13 ~~impaired~~ or physically disabled pedestrian who is using a service animal  
14 shall take all necessary precautions to avoid injury to such pedestrian,  
15 and any driver who fails to take such precautions shall be liable in  
16 damages for any injury caused such pedestrian. A totally or partially  
17 blind pedestrian not carrying such a cane or using a service animal or a  
18 deaf or hard of hearing ~~hearing-impaired~~ or physically disabled  
19 pedestrian not using a service animal in any of the places,  
20 accommodations, or conveyances listed in section 20-127 shall have all of  
21 the rights and privileges conferred by law upon other persons, and the  
22 failure of a totally or partially blind pedestrian to carry such a cane  
23 or to use a service animal or the failure of a deaf or hard of hearing  
24 ~~hearing-impaired~~ or physically disabled pedestrian to use a service  
25 animal in any such places, accommodations, or conveyances does not  
26 constitute and is not evidence of contributory negligence.

27 Sec. 3. Section 20-131.01, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 20-131.01 It is the intent of the Legislature that blind persons,  
30 visually handicapped persons, deaf or hard of hearing ~~hearing-impaired~~  
31 persons, and other physically disabled persons shall be entitled to full

1 and equal access to all housing accommodations offered for rent, lease,  
2 or compensation in this state.

3 Sec. 4. Section 20-131.04, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 20-131.04 Every totally or partially blind person, deaf or hard of  
6 hearing ~~hearing-impaired~~ person, or physically disabled person who has a  
7 service animal or obtains a service animal shall have full and equal  
8 access to all housing accommodations with such animal as prescribed in  
9 sections 20-131.01 to 20-131.04. Such person shall not be required to pay  
10 extra compensation for such animal. Such person shall be liable for any  
11 damage done to such premises by such animal. Any person who rents,  
12 leases, or provides housing accommodations for compensation to any  
13 totally or partially blind person, deaf or hard of hearing ~~hearing-~~  
14 ~~impaired~~ person, or physically disabled person who has or obtains a  
15 service animal shall not charge an additional deposit for such animal.

16 Sec. 5. Section 28-1009.01, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 28-1009.01 (1) A person commits the offense of violence on a service  
19 animal when he or she (a) intentionally injures, harasses, or threatens  
20 to injure or harass or (b) attempts to intentionally injure, harass, or  
21 threaten an animal that he or she knows or has reason to believe is a  
22 service animal for a blind or visually impaired person, a deaf or hard of  
23 hearing ~~hearing-impaired~~ person, or a physically limited person.

24 (2) A person commits the offense of interference with a service  
25 animal when he or she (a) intentionally impedes, interferes, or threatens  
26 to impede or interfere or (b) attempts to intentionally impede,  
27 interfere, or threaten to impede or interfere with an animal that he or  
28 she knows or has reason to believe is a service animal for a blind or  
29 visually impaired person, a deaf or hard of hearing ~~hearing-impaired~~  
30 person, or a physically limited person.

31 (3) Evidence that the defendant initiated or continued conduct

1 toward an animal as described in subsection (1) or (2) of this section  
2 after being requested to avoid or discontinue such conduct by the blind,  
3 visually impaired, deaf or hard of hearing , ~~hearing-impaired~~, or  
4 physically limited person being served or assisted by the animal shall  
5 create a rebuttable presumption that the conduct of the defendant was  
6 initiated or continued intentionally.

7 (4) For purposes of this section:

8 (a) Blind person means a person with totally impaired vision or with  
9 vision, with or without correction, which is so severely impaired that  
10 the primary means of receiving information is through other sensory  
11 input, including, but not limited to, braille, mechanical reproduction,  
12 synthesized speech, or readers;

13 (b) Deaf person means a person with totally impaired hearing or with  
14 hearing, with or without amplification, which is so severely impaired  
15 that the primary means of receiving spoken language is through other  
16 sensory input, including, but not limited to, lip reading, sign language,  
17 finger spelling, or reading;

18 (c) Hard of hearing ~~Hearing-impaired~~ person means a person who is  
19 unable to hear air conduction thresholds at an average of forty decibels  
20 or greater in the person's better ear;

21 (d) Physically limited person means a person having limited  
22 ambulatory abilities, including, but not limited to, having a permanent  
23 impairment or condition that requires the person to use a wheelchair or  
24 to walk with difficulty or insecurity to the extent that the person is  
25 insecure or exposed to danger; and

26 (e) Visually impaired person means a person having a visual acuity  
27 of 20/200 or less in the person's better eye with correction or having a  
28 limitation to the person's field of vision so that the widest diameter of  
29 the visual field subtends an angular distance not greater than twenty  
30 degrees.

31 (5) Violence on a service animal or interference with a service

1 animal is a Class III misdemeanor.

2 Sec. 6. Section 71-4720, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 71-4720 There is hereby created the Commission for the Deaf and Hard  
5 of Hearing which shall consist of nine members to be appointed by the  
6 Governor subject to approval by the Legislature. The commission members  
7 shall include three deaf persons, three hard of hearing persons, and  
8 three persons who have an interest in and knowledge of deafness and  
9 hearing loss issues. A majority of the commission members who are deaf or  
10 hard of hearing shall be able to express themselves through sign  
11 language. Employees of any state agency other than employees of the  
12 commission shall be eligible to serve on the commission. When appointing  
13 members to the commission, the Governor shall consider recommendations  
14 from individuals, organizations, and the public.

15 ~~On September 13, 1997, all personnel, furniture, equipment, books,~~  
16 ~~files, records, and other property of the Commission for the Hearing~~  
17 ~~Impaired shall be transferred to the Commission for the Deaf and Hard of~~  
18 ~~Hearing.~~

19 Sec. 7. Section 83-101.14, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 83-101.14 The Department of Health and Human Services with the  
22 assistance of the Commission for the Deaf and Hard of Hearing shall adopt  
23 and promulgate rules and regulations to define criteria and standards for  
24 access by eligible deaf or hard of hearing ~~hearing-impaired~~ persons to  
25 mental health, alcoholism, and drug abuse treatment programs.

26 Sec. 8. Original sections 20-126, 20-128, 20-131.01, 20-131.04,  
27 28-1009.01, 71-4720, and 83-101.14, Reissue Revised Statutes of Nebraska,  
28 are repealed.