

# RIGHTS OF PERSONS WHO ARE BLIND OR PARTIALLY BLIND AND PERSONS WITH PHYSICAL DISABILITIES

## Footnotes

This chapter not enacted as a part of this title;  
transferred from chapter 601D in Code 1993

### **216C.1 Participation by persons with disabilities.**

It is the policy of this state to encourage and enable persons who are blind or partially blind and persons with physical disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

To encourage participation by persons with disabilities, it is the policy of this state to ensure compliance with federal requirements concerning persons with disabilities.

[C71, § 93B.1; C73, 75, 77, 79, 81, § 601D.1]

C93, § 216C.1

93 Acts, ch 95, § 6; 96 Acts, ch 1129, §32

### **216C.2 Public employment.**

Persons who are blind or partially blind and persons with physical disabilities shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds, on the same terms and conditions as other persons, unless it is shown that the particular disability prevents the performance of the work required.

[C71, § 93B.2; C73, 75, 77, 79, 81, § 601D.2]

C93, § 216C.2

96 Acts, ch 1129, § 33

### **216C.3 Free use of public facilities.**

Persons who are blind or partially blind and persons with physical disabilities have the same right as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public elevators, public facilities, and other public places.

[C62, 66, § 351.31; C71, § 93B.3; C73, 75, 77, 79, 81, § 601D.3]

C93, § 216C.3

96 Acts, ch 1129, § 34

### **216C.4 Accommodations.**

Persons who are blind or partially blind and persons with physical disabilities are entitled to full and equal accommodations, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, other public conveyances or modes of transportation, hotels, lodging places,

eating places, places of public accommodation, 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.

[C71, § 93B.4; C73, 75, 77, 79, 81, § 601D.4]

C93, § 216C.4

96 Acts, ch 1129, § 35

#### **216C.5 Use of guide dogs.**

Every blind or partially blind person shall have the right to be accompanied by a guide dog, under control and especially trained for the purpose, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the guide dog. A landlord shall waive lease restrictions on the keeping of a guide dog for a blind person. The blind person is liable for damage done to the premises or facilities by a guide dog.

[C62, 66, § 351.30; C71, § 93B.5; C73, 75, 77, 79, 81, § 601D.5]

83 Acts, ch 46, § 3

C93, § 216C.5

#### **216C.6 Failure to use cane or dog not negligence.**

A blind or partially blind pedestrian not carrying a cane or using a guide dog in any place shall have all of the rights and privileges conferred by law upon other persons, and the failure of a blind or partially blind pedestrian to carry a cane or to use a guide dog in any place shall not be held to constitute or be evidence of contributory negligence.

[C71, § 93B.6; C73, 75, 77, 79, 81, § 601D.6]

C93, § 216C.6

#### **216C.7 Penalty for denying rights.**

Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with the rights of any person under this chapter shall be guilty of a simple misdemeanor.

[C62, 66, § 351.32; C71, § 93B.7; C73, 75, 77, 79, 81, § 601D.7]

C93, § 216C.7

#### **216C.8 White cane safety day.**

The governor shall annually take suitable public notice of October 15 as white cane safety day. The governor shall issue a proclamation commenting upon the significance of the white cane; calling upon the citizens to observe the provisions of this chapter and sections 321.332 and 321.333 and to take precautions necessary for the safety of persons with disabilities; reminding the citizens of the policies herein declared and urging the citizens to cooperate in giving effect to them; and emphasizing the need of the citizens to be aware of the presence of persons with disabilities in the community and to offer assistance to persons with disabilities upon appropriate occasions.

[C71, § 93B.8; C73, 75, 77, 79, 81, § 601D.8]

C93, § 216C.8

96 Acts, ch 1129, §36

### **216C.9 Curb cutouts and ramps for persons with disabilities.**

1. Curbs constructed along any public street in this state, when the street is paralleled or intersected by sidewalks, or when city ordinances or other lawful regulations will require the construction of sidewalks parallel to or intersecting the street, shall be constructed with not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one inch of rise per twelve inches lineal distance, except that a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with physical disabilities using the sidewalk.

2. The requirements of subsection 1 shall apply after January 1, 1975, to all new curbs constructed and to all replacement curbs constructed at any point along a public street which gives reasonable access to a crosswalk.

3. Curbs constructed that are subject to the requirements of this section shall comply with federal requirements concerning persons with disabilities.

[C75, 77, 79, 81, § 601D.9]

C93, § 216C.9

93 Acts, ch 95, § 7; 96 Acts, ch 1129, § 37

### **216C.10 Use of hearing dog.**

A deaf or hard-of-hearing person has the right to be accompanied by a hearing dog, under control and especially trained at a recognized training facility to assist the deaf or hard-of-hearing by responding to sound, in any place listed in sections 216C.3 and 216C.4 without being required to make additional payment for the hearing dog. A landlord shall waive lease restrictions on the keeping of dogs for a deaf or hard-of-hearing person with a hearing dog. The deaf or hard-of-hearing person is liable for damage done to any premise or facility by a hearing dog.

A person who denies or interferes with the right of a deaf or hard-of-hearing person under this section is, upon conviction, guilty of a simple misdemeanor.

86 Acts, ch 1245, § 1263

C87, § 601D.10

C93, § 216C.10

93 Acts, ch 75, § 5

### **216C.11 Service dogs and assistive animals.**

1. For purposes of this section "*service dog*" means a dog specially trained at a recognized training facility to

assist a person with a disability, whether described as a service dog, a support dog, an independence dog, or otherwise. "*Assistive animal*" means a simian or other animal specially trained or in the process of being trained under the auspices of a recognized training facility to assist a person with a disability.

2. A person with a disability or person training an assistive animal has the right to be accompanied by a service dog or an assistive animal, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service dog or assistive animal. A landlord shall waive lease restrictions on the keeping of animals for the service dog or assistive animal of a person with a disability. The person is liable for damage done to any premises or facility by a service dog or assistive animal.

3. A person who knowingly denies or interferes with the right of a person under this section is, upon conviction, guilty of a simple misdemeanor.

88 Acts, ch 1067, § 1

C89, § 601D.11

91 Acts, ch 69, § 1

C93, § 216C.11

96 Acts, ch 1129, § 113