

CHAPTER 216C

RIGHTS OF PERSONS WITH DISABILITIES

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

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216C.1 Participation by persons with disabilities.

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

2. 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](#); [2010 Acts, ch 1079, §3](#)

216C.1A Definitions.

For purposes of [this chapter](#), unless the context otherwise requires:

1. “*Disability*” means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of “disability” under the provisions of [this chapter](#) does not preclude the application of the provisions of [this chapter](#) to conditions resulting from other contagious or infectious diseases.

2. “*Service animal*” means a dog or miniature horse as set forth in the implementing regulations of Tit. II and Tit. III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

3. “*Service-animal-in-training*” means a dog or miniature horse that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual.

[2019 Acts, ch 65, §4](#)

NEW section

216C.2 Public employment.

Persons who are blind or partially blind and persons with 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](#); [2010 Acts, ch 1079, §4](#)

Referred to in [§331.324](#)

216C.3 Free use of public facilities.

Persons who are blind or partially blind and persons with 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](#); [2010 Acts, ch 1079, §5](#)

Referred to in [§216C.5](#), [216C.10](#), [216C.11](#)

216C.4 Accommodations.

Persons who are blind or partially blind and persons with 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](#); [2010 Acts, ch 1079, §6](#)

Referred to in [§216C.5](#), [216C.10](#), [216C.11](#)

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 ramps and sloped areas for persons with disabilities.

1. If a street, road, or highway in this state is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path in this state is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road.

2. Curb ramps and sloped areas that are required pursuant to [this section](#) shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the federal Americans With Disabilities Act, including but not limited to the guidelines issued by the federal architectural and transportation barriers compliance board.

[C75, 77, 79, 81, §601D.9]

C93, §216C.9

[93 Acts, ch 95, §7](#); [96 Acts, ch 1129, §37](#); [2010 Acts, ch 1079, §7](#); [2010 Acts, ch 1193, §43](#)

Referred to in [§331.361](#)

216C.10 Use of hearing dog.

1. A deaf or hard-of-hearing person has the right to be accompanied by a hearing dog, under control and especially trained 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 premises or facility by a hearing dog.

2. 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](#); [2010 Acts, ch 1079, §8](#)

216C.11 Service animals and service-animals-in-training — penalty.

1. A person with a disability, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service animal has the right to be accompanied by a service animal or service-animal-in-training, 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 animal or service-animal-in-training. The person is liable for damage done to any premises or facility by a service animal or a service-animal-in-training.

2. A person who knowingly denies or interferes with the right of a person under [this section](#) is, upon conviction, guilty of a simple misdemeanor.

3. *a.* A person who intentionally misrepresents an animal as a service animal or a service-animal-in-training is, upon conviction, guilty of a simple misdemeanor.

b. A person commits the offense of intentional misrepresentation of an animal as a service animal or a service-animal-in-training if all of the following elements are established:

(1) For the purpose of obtaining any of the rights or privileges set forth in state or federal law, the person intentionally misrepresents an animal in one's possession as one's service animal or service-animal-in-training or a person with a disability's service animal or service-animal-in-training whom the person is assisting by controlling.

(2) The person was previously given a written or verbal warning regarding the fact that it is illegal to intentionally misrepresent an animal as a service animal or a service-animal-in-training.

(3) The person knows that the animal in question is not a service animal or a service-animal-in-training.

[88 Acts, ch 1067, §1](#)

C89, §601D.11

[91 Acts, ch 69, §1](#)

C93, §216C.11

[96 Acts, ch 1129, §113](#); [2009 Acts, ch 163, §1](#); [2010 Acts, ch 1069, §27](#); [2010 Acts, ch 1079, §9](#); [2019 Acts, ch 65, §5](#)

Section amended

216C.12 Immunity from liability for injury or damage caused by service animals and service-animals-in-training.

1. For purposes of [this section](#), unless the context otherwise requires:

a. “Owner” means the owner of real property, a contract for deed vendee, receiver, personal representative, trustee, lessor, lessee, agent, or other person directly or indirectly in control of the real property.

b. “Real property” includes any physical location or portion of real property that federal or state law or local ordinance requires to be accessible to a person with a disability who is using a service animal or a service-animal-in-training, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service animal.

2. An owner is not liable for any injury or damage caused by a service animal or service-animal-in-training if all of the following criteria are met:

a. The owner believes in good faith that the animal is a service animal or a service-animal-in-training and the person using the animal is a person with a disability, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service-animal-in-training.

b. The injury or damage is not caused by the owner’s negligence, recklessness, or willful misconduct.

[2019 Acts, ch 65, §6](#)

NEW section