

ASSEMBLY BILL

No. 2148

Introduced by Assembly Member Hayashi

February 23, 2012

An act to amend Section 7215.5 of the Business and Professions Code, relating to guide dogs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2148, as introduced, Hayashi. Guide dogs.

Existing law, until January 1, 2014, provides for the licensure and regulation of guide dog training schools and instructors, and other matters pertaining to guide dogs by the State Board of Guide Dogs for the Blind. Existing law provides that title of ownership of a trained guide dog may be transferred from the training school to the user as evidenced by a transfer of title agreement between the parties, and that the school may retain the option to recover title and possession to the guide dog under certain conditions, including, but not limited to, if the blind person to whom the dog was furnished has ceased to use the dog as a guide dog and the dog is not too old to be retrained as a guide for another blind person.

This bill would add to the latter provision that the school may recover title and possession of the guide dog if the dog is not too ailing to be retrained as a guide dog for another blind person.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7215.5 of the Business and Professions
2 Code is amended to read:

3 7215.5. (a) During the first year following the successful
4 training of each person-dog unit, and release from a guide dog
5 training school of the trained person supplied with a guide dog,
6 the school may retain title to the trained dog. During this
7 probationary year, the school may enter into a contractual
8 agreement with the user of the dog describing the conditions under
9 which the user may maintain the status of legal custodian of the
10 dog. During the probationary year, the school, acting in what it
11 deems to be the best interest of the user, the dog, or the public,
12 may temporarily or permanently resume possession of the dog.

13 ~~Within~~

14 (b) *Within* 15 days after the end of each calendar year, each
15 licensed school shall report to the board the following:

16 (1) The number of dog ownership titles transferred to dog users
17 pursuant to this section during the calendar year.

18 (2) The number of title recoveries and repossessions made by
19 the school pursuant to this section during the calendar year.

20 (3) The number, type, and amount of charges assessed for
21 followup training, instruction, veterinary, or boarding services,
22 pursuant to this section, which make a distinction between users
23 who have acquired title to their dogs and users who have not
24 acquired title.

25 (4) The views of the governing entity of the school as to any
26 problems or concerns relative to compliance with the provisions
27 of this section, along with recommendations for appropriate
28 legislative or administrative changes commensurate with the
29 purposes of this section.

30 ~~Immediately~~

31 (c) *Immediately* upon completion of the first year following the
32 successful training referred to above, if the training school and the
33 dog user are mutually satisfied with the operation of the person-dog
34 unit, title to the dog shall be transferred to the blind user if the user
35 so desires. Transfer of title shall be evidenced by a transfer of title
36 agreement executed by both parties thereto. The school may retain
37 an option to recover title and possession to the guide dog subject

1 to conditions described in the transfer of title agreement. These
2 conditions may include, but are not limited to, the following:

3 (1) If in the school's opinion, the guide dog is being misused
4 or neglected or mistreated by its blind user.

5 (2) If the blind person to whom the dog was furnished has ceased
6 to use the dog as a guide and the dog is not too old *or ailing* to be
7 retrained as a guide for another blind person.

8 (3) If, in the school's opinion, the dog is no longer a safe guide
9 and the user refuses to cease using the dog as a guide after being
10 requested by the school to cease this use.

11 ~~The~~

12 (d) *The* guide dog school shall make no distinction as to the
13 quality or extent of followup or supportive services available to
14 its blind graduates based on whether they elect to acquire title to
15 their dogs or allow title to remain with the school after the
16 probationary year. The school may, however, make this distinction
17 when assessing reasonable and appropriate charges for followup
18 training, instruction, veterinary, or boarding services.

19 ~~No~~

20 (e) *No* applicant for admission to a guide dog training school,
21 nor any enrolled student, shall be required by the school prior to
22 completion of his or her training to sign any instrument or to
23 announce his or her intention regarding transfer of title of the dog
24 from the school to himself or herself upon completion of the
25 training and probation period.