



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0281	Signed by Governor on May 16, 2019
Author:	Talley	
Subject:	Misrepresentation of a Service Animal	
Requestor:	Senate	
RFA Analyst(s):	Gardner	
Impact Date:	June 27, 2019	

Fiscal Impact Summary

This bill amends the definition of service animal and adds a definition of emotional support animal; makes it a criminal offense punishable by a fine for an individual to intentionally misrepresent an animal he possesses as a service animal or an animal being trained as a service animal, and provides for issuance of a uniform traffic ticket in such circumstances.

The Judicial Department reports that it expects to manage any increase in court caseloads using existing General Fund resources.

This bill will not have an expenditure impact on the General Fund, Other Funds, or Federal Funds of the Department of Public Safety because the bill requires the department to perform activities conducted in the normal course of agency business, and they will manage any additional expenses within their existing appropriations.

This bill is expected to have no local expenditure or local revenue impact because the bill is unlikely to generate a significant number of violations.

Explanation of Fiscal Impact

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State Expenditure

This bill establishes a civil offense for the unlawful representation of a non-service animal as either a service animal or service animal-in-training for the purpose of obtaining any right or privilege provided to a disabled person. A first offense is punishable by a fine of not more than \$250, a second offense is punishable by a fine of not more than \$500, and a third or subsequent offense is punishable by a fine of not more than \$1,000. The bill limits investigative inquiries for the purpose of enforcement to those that are allowed by the Department of Justice pursuant to 28 C.F.R. Section 36.302 (related to non-discrimination on the basis of disability by public accommodations and in commercial facilities). No custodial arrest may be made for a violation unless the person has been issued a warrant for failure to appear in court when summoned or failure to pay an imposed fine. The bill also requires that places of public accommodation may establish rules and regulations related to access to such facilities by non-service animals, including emotional support animals.

The bill also amends Section 56-7-10(A) to add the misrepresentation of service animals to the list of offenses that are cited through the issuance of a uniform traffic ticket and to number each

offense outlined in that section. Additionally, the bill amends Layla's Law (Article 15 of Chapter 3, Title 47) to include service animals-in-training in the definition of service animals, to specify that miniature horses are recognized as service animals, and to specify the types of work or tasks that a service animal must perform in order to be directly related to the owner's disability. The bill adds to Section 47-3-920 new definitions for emotional support animal and places of public accommodation and makes conforming changes. Further, the bill amends Section 31-21-70 to allow a landlord to ask specific questions and document the responses of a tenant or prospective tenant to determine whether an animal that is not a service animal should be deemed a reasonable accommodation.

Judicial Department. This bill pertains to the protection of service animals and creates a criminal offense for a person's intentional misrepresentation of an animal as a service animal or service animal in training. This offense is punishable by a fine issued via a uniform traffic ticket. The bill also limits restitution to cases where a defendant is convicted of unlawfully causing injury or death to a service animal or is convicted of exerting unauthorized control over a service animal. Under the provisions of the bill, landlords may question a tenant claiming to possess a service animal.

First and second offense violations for the misrepresentation of a service animal would be heard in magistrate and municipal courts, while third and subsequent offenses would be heard in general sessions courts. As the bill creates a new offense, there is no data available with which to estimate the number of new fines that may be generated. However, the department expects to manage any additional costs using existing General Fund resources.

Department of Public Safety. The bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the agency's General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

Of the counties and municipal organizations surveyed, only Dorchester, Florence, and Lancaster Counties and the Municipal Association of South Carolina provided responses on the expected expenditure impact of the bill. All parties report that the bill is unlikely to generate a significant number of violations. As such, the bill is expected to have no expenditure impact on local governments.

Local Revenue

Of the counties and municipal organizations surveyed, only Dorchester, Florence, and Lancaster Counties and the Municipal Association of South Carolina provided responses on the expected revenue impact of the bill. All parties report that the bill is unlikely to generate a significant number of violations. As such, the bill is expected to have no revenue impact on local governments.



Frank A. Rainwater, Executive Director