

Delaware

SUMMARY

The following statutes comprise Delaware's pertinent service animal laws. These statutes provide criminal penalties for discriminating against a blind individual accompanied by a service animal and civil remedies for all other disabled service animal handlers.

1. Date last checked: December 2020

Title 2. Transportation. Part II. Transportation Department. Chapter 19. Transportation Networks.

§ 1917. No discrimination; accessibility

(a) The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

(b) TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(c) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

(d) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

Credits

Added by 80 Laws 2016, ch. 374, § 1, eff. Aug. 10, 2016.

Title 31. Welfare. Part II. Welfare Agencies. Chapter 21. Delaware Commission for the Blind.

§ 2117 . Relating to the blind and “seeing eye dogs ”; penalties.

(a) Any person who by reason of loss or impairment of eyesight or hearing is accompanied by a dog described as a “seeing eye dog,” or any dog educated by a

recognized training agency or school, which is used as a leader or guide, is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement or resort and other places to which the general public is invited and shall be entitled to take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied; provided, that the dog shall not occupy a seat in any public conveyance.

(b) Any person, firm or corporation who deprives any person suffering from such loss or impairment of eyesight or hearing of any right conferred by subsection (a) of this section shall be fined not more than \$100, or be imprisoned for a period not exceeding 3 months, or both and for every such offense such person shall forfeit and pay a sum of not more than \$100 to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where such offense was committed.

CREDIT(S)

57 Laws 1969, ch. 162; 64 Laws 1984, ch. 389, §§ 4, 5; 78 Laws 2011, ch. 179, § 346, eff. Aug. 17, 2011.

Title 21. Motor Vehicles. Part III. Operation and Equipment. Chapter 41. Rules of the Road. Subchapter V. Pedestrians' Rights and Duties.

§ 4144. Drivers to exercise due care

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person or a person wholly or partially blind, carrying a cane or walking stick white in color, or white tipped with red or accompanied by a guide dog, upon a roadway.

54 Laws 1963, ch. 160, § 1; 60 Laws 1976, ch. 701, § 32.

Title 6. Commerce and Trade. Subtitle II. Other Laws Relating to Commerce and Trade. Chapter 45. Equal Accommodations.

§ 4501. Purpose and construction

This chapter is intended to prevent, in places of public accommodations, practices of discrimination against any person because of race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity, or national origin. This chapter shall be liberally construed to the end that the rights herein provided for all people, without regard to race, age, marital status, creed, color, sex, disability, sexual orientation,

gender identity, or national origin, may be effectively safeguarded. Furthermore, in defining the scope or extent of any duty imposed by this chapter, higher or more comprehensive obligations established by otherwise applicable federal, state, or local enactments may be considered.

Credits

54 Laws 1963, ch. 181, § 1; 58 Laws 1971, ch. 133, § 1; 58 Laws 1972, ch. 386, § 1; 65 Laws 1986, ch. 377, § 1; 70 Laws 1996, ch. 350, § 1, eff. July 1, 1996; 75 Laws 2006, ch. 356, § 8, eff. July 6, 2006; 77 Laws 2009, ch. 90, § 1, eff. July 2, 2009; 79 Laws 2013, ch. 47, § 1, eff. June 19, 2013; 79 Laws 2014, ch. 371, § 4, eff. July 29, 2014; 81 Laws 2018, ch. 440, § 1, eff. Sept. 17, 2018.

Codifications: 6 Del.C. 1953, § 4502

§ 4502. Definitions

As used in this chapter:

- (1) "Automatic door" shall mean a door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch.
- (2) "Chairperson" means the Chairperson of the State Human Relations Commission.
- (3) "Commission" means the State Human Relations Commission.
- (4) "Complainant" means the person who files a complaint under § 4508 of this title.
- (5) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations.
- (6) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.
- (7) "Disability" means a physical or mental impairment which substantially limits a person's major life activities, or being regarded as having such an impairment, but such terms do not include current, illegal use of a controlled substance as defined in § 102 of the Controlled Substance Act (21 U.S.C. § 802) or Chapter 47 of Title 16, Uniform Controlled Substance Act.
- (8) "Discriminatory public accommodations practice" means an act that is unlawful under this chapter.

(9) "Division" means the Division of Human Relations.

(10) "Gender identity" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity; provided, however, that gender identity shall not be asserted for any improper purpose.

(11) "Marital status" means the legal relationship of parties as determined by the laws of marriage applicable to them or the absence of such a legal relationship.

(12) "Panel" means a group of 3 or more Commissioners appointed by the Chairperson to perform any task authorized by this chapter.

(13) "Panel chair" means that Commissioner serving on a panel who is designated by the Chairperson to serve as the Chairperson of the panel.

(14) "Place of public accommodation" means any establishment which caters to or offers goods or services or facilities to, or solicits patronage from, the general public. This definition includes state agencies, local government agencies, and state-funded agencies performing public functions. This definition includes hotels and motels catering to the transient public, but it does not apply to the sale or rental of houses, housing units, apartments, rooming houses, or other dwellings, nor to tourist homes with less than 10 rental units catering to the transient public.

(15) "Respondent" means a person who is alleged to have committed a discriminatory public accommodations practice.

(16) "Service animal" means a dog individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

(17) "Sexual orientation" exclusively means heterosexuality, homosexuality, or bisexuality.

(18) "Special Administration Fund" means the Fund created pursuant to § 3005 of Title 31.

Credits

54 Laws 1963, ch. 181, § 1; 66 Laws 1987, ch. 68, § 1; 70 Laws 1996, ch. 350, § 1, eff. July 1, 1996; 75 Laws 2006, ch. 356, §§ 9, 11, 26, 28, eff. July 6, 2006; 77 Laws 2009, ch. 90, § 2, eff. July 2, 2009; 77 Laws 2010, ch. 346, § 1, eff. Jan. 1, 2011; 79 Laws 2013, ch. 47, §§ 2, 3, eff. June 19, 2013; 79 Laws 2014, ch. 371, § 5, eff. July 29, 2014; 81 Laws 2018, ch. 440, § 2, eff. Sept. 17, 2018.

§ 4504. Unlawful practices

(a)(1) No person being the owner, lessee, proprietor, manager, director, supervisor, superintendent, agent, or employee of any place of public accommodation, may directly or indirectly refuse, withhold from, or deny to any person, on account of race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity, or national origin, any of the accommodations, facilities, advantages, or privileges thereof.

(2) A place of public accommodation may provide reasonable accommodations based on gender identity in areas of facilities where disrobing is likely, such as locker rooms or other changing facilities, which reasonable accommodations may include a separate or private place for the use of persons whose gender-related identity, appearance or expression is different from their assigned sex at birth, provided that such reasonable accommodations are not inconsistent with the gender-related identity of such persons.

(3) A place of public accommodation must permit service animals as follows:

a. An individual with a disability accompanied by a service animal in any place of public accommodation.

b. An individual training a service animal to be used by persons with disabilities accompanied by a service animal in any place of public accommodation.

(b) No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, shall directly or indirectly publish, issue, circulate, post or display any written, typewritten, mimeographed, printed or radio communications notice or advertisement to the effect that any of the accommodations, facilities, advantages and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be appearing to be of any particular race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin is unlawful, objectionable, or not acceptable, desired, accommodated or solicited, or that the patronage of persons of any particular race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin is preferred or is particularly welcomed, desired or solicited.

(c) It shall be unlawful to assist, induce, incite or coerce another person to commit any discriminatory public accommodations practice prohibited by subsection (a) or (b) of this section.

(d) Requirements for newly constructed places of public accommodation.--All buildings which are constructed after January 1, 2011, and intended for use as places of public accommodation (as defined in § 4502 of this title), must be equipped with an automatic door or calling device at each entrance that is intended to be a main entrance accessible by members of the general public. For purposes of this subsection, a calling device shall mean any device that allows a person with a disability to request assistance with entry meeting the following minimum specifications:

(1) The device must provide a recognizable signal inside the place of public accommodation;

(2) The device must be capable of being operated using only 1 hand or limb;

(3) The device must have at least 1 sign next to it which identifies the device and how to use it; and

(4) The device must be capable of being operated in accordance with all requirements of the Americans with Disabilities Act [42 U.S.C. § 12101 et seq.] Accessibility Guidelines.

(e) Nothing in this section shall be interpreted as an abrogation of any requirements otherwise imposed by applicable federal or state laws or regulations.

(f) A person, being the owner, lessee, proprietor, manager, director, supervisor, superintendent, agent, or employee of any place of public accommodation, may not engage in an act or practice that is unlawful under subsections (a) through (d) of this section against an individual because the individual has done one of the following:

(1) Opposed an act or practice that is unlawful under subsections (a) through (d) of this section.

(2) Made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce subsections (a) through (d) of this section.

Credits

54 Laws 1963, ch. 181, § 1. Amended by 58 Laws 1971, ch. 133, § 1; 58 Laws 1972, ch. 386, § 1; 65 Laws 1986, ch. 377, § 3; 66 Laws 1987, ch. 68, § 1; 70 Laws 1996, ch. 350, § 1, eff. July 1, 1996; 75 Laws 2006, ch. 356, §§ 10, 28, eff. July 6, 2006; 77 Laws 2009, ch. 90, § 4, eff. July 2, 2009; 77 Laws 2010, ch. 346, §§ 2, 4, eff. Jan. 1, 2011; 79 Laws 2013, ch. 47, § 5, eff. June 19, 2013; 81 Laws 2018, ch. 440, § 3, eff. Sept. 17, 2018; 82 Laws 2019, ch. 209, § 1, eff. Aug. 20, 2019.

Codifications: 6 Del.C. 1953, § 4504