

BILL ANALYSIS

C.S.H.B. 2471
By: Phillips
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned that state law does not adequately protect a person, an animal control agency, or an animal control agency employee who renders aid to an injured or distressed animal from civil action brought as a result of seeking or providing such care. C.S.H.B. 2471 seeks to limit the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2471 amends the Civil Practice and Remedies Code to exempt a person who in good faith and without compensation renders or obtains medical care or treatment for a nonlivestock animal that is injured or in distress because of an emergency, abandoned, running at large, or stray from liability for civil damages for an injury to the animal resulting from an act or omission in rendering or obtaining the medical care or treatment, unless the person commits gross negligence. The bill makes the exemption contingent on the person first taking reasonable steps to locate the animal's owner by attempting to contact the animal's owner using any contact information located on the animal's identification tag, collar, or chip or taking other reasonable action to contact the owner; notifying an animal control agency with authority over the area where the person resides, or an animal control agency with authority over the area where the person took custody of the animal if that area lies outside of the municipality or county where the person resides, that the animal is in the person's custody and providing the animal control agency with the person's contact information; or a veterinarian determines that the animal needs immediate medical treatment to alleviate pain or save the animal's life or exhibits visible signs of recent abuse as described by provisions of the Penal Code.

C.S.H.B. 2471 exempts an animal control agency or an employee of an animal control agency acting within the scope of the person's employment that in good faith takes into custody and cares for a nonlivestock animal that is abandoned, running at large, or stray from liability for civil damages for an injury to the animal arising from an act or omission in caring for the animal, except in a case of gross negligence, if the animal control agency obtains custody of the animal from a person not affiliated with the animal control agency and that person certifies in writing that the person has taken those same reasonable steps to locate the owner.

C.S.H.B. 2471 establishes that its provisions do not limit the application of or supersede statutory provisions governing dogs or coyotes that attack animals or the liability of a veterinarian for emergency treatment. The bill specifies that its provisions do not create any civil liability or waive any defense, immunity, or jurisdictional bar available under state law.

C.S.H.B. 2471 defines "animal control agency," "livestock animal," "nonlivestock animal," and

"running at large," provides for the definition of "service animal" by reference to federal law, and defines "emergency" for the purposes of certain of the bill's provisions.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2471 differs from the original to reflect certain bill drafting conventions.