

## **BILL ANALYSIS**

Senate Research Center  
82R20266 JE-D

H.B. 3487  
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Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Search and rescue teams frequently face out-of-pocket expenses for travel and hotel fees associated with boarding their dogs when called into service. The missions for which these teams are called into service often are routine missing persons searches that can last anywhere from a few hours to several days. Other missions involving natural disasters can require search and rescue teams to travel throughout the state. Interested parties contend that, on all of these missions, search and rescue teams should be able to board their dogs conveniently, without extra cost to the team or the dog owner. H.B. 3487 seeks to address this issue.

H.B. 3487 amends current law relating to regulations concerning certain service animals and provides a criminal penalty.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle C, Title 5, Business & Commerce Code, by adding Chapter 106, as follows:

#### **CHAPTER 106. CERTAIN CHARGES OR SECURITY DEPOSITS FOR CANINE HANDLERS PROHIBITED**

Sec. 106.001. **DEFINITIONS.** Defines, in this chapter, "canine unit," "commercial lodging establishment," "declared disaster," "firefighter," "mutual aid," "peace officer," and "service canine."

Sec. 106.002. **CERTAIN CHARGES OR SECURITY DEPOSITS PROHIBITED.** Prohibits a commercial lodging establishment or restaurant from requiring the payment of an extra fee or charge or a security deposit for a service canine that accompanies an individual to the establishment or restaurant if:

- (1) the individual is:
  - (A) a peace officer or firefighter assigned to a canine unit; or
  - (B) a handler of a search and rescue canine participating in a search and rescue operation under the authority or direction of a law enforcement agency or search and rescue agency; and
- (2) the individual is away from the individual's home jurisdiction while in the course and scope of duty because of:
  - (A) a declared disaster; or
  - (B) a mutual aid request or mutual aid training.

Sec. 106.003. LIABILITY FOR PROPERTY DAMAGES. (a) Provides that governmental immunity from suit and from liability is waived and the department or agency of a canine unit may be held liable to the owner or operator of a commercial lodging establishment or restaurant for any damages to the premises caused by the service canine.

(b) Provides that the handler of a search and rescue canine is liable to the owner or operator of a commercial lodging establishment or restaurant for any damages to the premises caused by the service canine.

Sec. 106.004. CRIMINAL PENALTY. (a) Provides that the owner or operator of a commercial lodging establishment or restaurant commits an offense if the establishment or restaurant violates Section 106.002.

(b) Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2011.