

## **BILL ANALYSIS**

C.S.H.B. 3487  
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Business & Industry  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.H.B. 3487 seeks to address this issue.

### **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. 3487 amends the Business & Commerce Code to prohibit 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 the individual is a peace officer or firefighter assigned to a canine unit or is 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 a search and rescue agency and the individual is away from the individual's home jurisdiction while in the course and scope of duty because of a declared disaster or a mutual aid request or mutual aid training. The bill makes it a Class C misdemeanor for an owner or operator of a commercial lodging establishment or restaurant to violate this prohibition.

C.S.H.B. 3487 waives governmental immunity from suit and liability as it relates to the bill's provisions and establishes that 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. The bill makes the handler of a search and rescue canine liable to the owner or operator of a commercial lodging establishment or restaurant for any damages to the premises caused by the service canine. The bill defines "canine unit," "commercial lodging establishment," "declared disaster," "firefighter," "peace officer," and "service canine" and provides for the meaning of "mutual aid" by reference to the Government Code.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3487 differs from the original by making it a Class C misdemeanor for an owner or operator of a commercial lodging establishment or restaurant to violate the prohibition against

requiring the payment of an extra fee or charge or a security deposit for a service canine that accompanies a peace officer, firefighter, or handler of a search and rescue canine away from the individual's home jurisdiction in an emergency or training situation, whereas the original makes a commercial lodging establishment or restaurant that violates such prohibition liable to the state for a civil penalty for each violation and authorizes the attorney general or prosecuting attorney in the county in which the violation occurs to bring suit to recover that civil penalty.