

By: Phillips

H.B. No. 2471

A BILL TO BE ENTITLED

AN ACT

relating to limiting the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 92 to read as follows:

CHAPTER 92. LIMITATION OF LIABILITY FOR PERSON ASSISTING
CERTAIN ANIMALS

Sec. 92.001. DEFINITIONS. In this chapter:

(1) "Animal control agency" means a municipal or county animal control office, or a state, county, or municipal law enforcement agency, that collects, impounds, or keeps stray, homeless, abandoned, or unwanted animals.

(2) "Livestock animal" means an equine animal or an animal raised primarily for use as food for human consumption or to produce fiber for human use and includes horses, cattle, sheep, swine, goats, and poultry.

(3) "Nonlivestock animal" means a service animal or an animal maintained as a pet in the home or on the property of the animal's owner and includes captured wildlife or an exotic animal maintained as a pet. The term does not include a livestock animal.

(4) "Running at large" means not under the control of the owner or handler while:

(A) on the premises of another without the

1 consent of the owner of the premises or any other person authorized
2 to give consent; or

3 (B) on a highway, a public road or street, or any
4 other place open to the public generally.

5 (5) "Service animal" has the meaning assigned by the
6 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et
7 seq.).

8 Sec. 92.002. LIMITATION OF LIABILITY. (a) In this section,
9 "emergency" includes:

10 (1) a natural disaster, including an earthquake, fire,
11 flood, or storm;

12 (2) a hazardous chemical or substance incident; and

13 (3) a vehicular collision with an animal or other
14 transportation accident in which an animal is injured or is
15 otherwise in need of assistance to protect the animal's health or
16 life.

17 (b) A person who in good faith and without compensation
18 renders or obtains medical care or treatment for a nonlivestock
19 animal that is injured or in distress because of an emergency,
20 abandoned, running at large, or stray is not liable for civil
21 damages for an injury to the animal resulting from an act or
22 omission in rendering or obtaining the medical care or treatment,
23 unless the person commits gross negligence, if:

24 (1) the person first takes reasonable steps to locate
25 the animal's owner by:

26 (A) attempting to contact the animal's owner
27 using the contact information located on the animal's

1 identification tag, collar, or chip, if any, or taking other
2 reasonable action to contact the owner; or

3 (B) notifying an animal control agency with
4 authority over the area where the person resides, or an animal
5 control agency with authority over the area where the person took
6 custody of the animal if that area lies outside of the municipality
7 or county where the person resides, that the animal is in the
8 person's custody and providing the animal control agency with the
9 person's contact information; or

10 (2) a veterinarian determines that the animal:

11 (A) needs immediate medical treatment to
12 alleviate pain or save the animal's life; or

13 (B) exhibits visible signs of recent abuse as
14 described by Section 42.092(b), Penal Code.

15 Sec. 92.003. LIMITATION OF LIABILITY FOR ANIMAL CONTROL
16 AGENCIES AND CERTAIN EMPLOYEES. An animal control agency or an
17 employee of an animal control agency acting within the scope of the
18 person's employment that in good faith takes into custody and cares
19 for a nonlivestock animal that is abandoned, running at large, or
20 stray is not liable for civil damages for an injury to the animal
21 arising from an act or omission in caring for the animal, except in
22 a case of gross negligence, if the animal control agency obtains
23 custody of the animal from a person not affiliated with the animal
24 control agency and that person certifies in writing that the person
25 has taken reasonable steps to locate the owner as provided by
26 Section 92.002.

27 Sec. 92.004. EFFECT ON OTHER LAW. (a) This chapter does

1 not limit the application of or supersede Section 822.013, Health
2 and Safety Code, or Section 801.358, Occupations Code.

3 (b) This chapter does not create any civil liability or
4 waive any defense, immunity, or jurisdictional bar available under
5 state law.

6 SECTION 2. The change in law made by this Act applies only
7 to a cause of action that accrues on or after the effective date of
8 this Act. A cause of action that accrued before the effective date
9 of this Act is governed by the law as it existed immediately before
10 the effective date of this Act, and that law is continued in effect
11 for that purpose.

12 SECTION 3. This Act takes effect September 1, 2011.