

1-1 By: Phillips (Senate Sponsor - Deuell) H.B. No. 2471
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 17, 2011, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 17, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to limiting the civil liability of certain persons who
1-9 obtain or provide medical care and treatment for certain animals.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Title 4, Civil Practice and Remedies Code, is
1-12 amended by adding Chapter 92 to read as follows:

1-13 CHAPTER 92. LIMITATION OF LIABILITY FOR PERSON ASSISTING CERTAIN
1-14 ANIMALS

1-15 Sec. 92.001. DEFINITIONS. In this chapter:

1-16 (1) "Animal control agency" means a municipal or
1-17 county animal control office, or a state, county, or municipal law
1-18 enforcement agency, that collects, impounds, or keeps stray,
1-19 homeless, abandoned, or unwanted animals.

1-20 (2) "Livestock animal" means an equine animal or an
1-21 animal raised primarily for use as food for human consumption or to
1-22 produce fiber for human use and includes horses, cattle, sheep,
1-23 swine, goats, and poultry.

1-24 (3) "Nonlivestock animal" means a service animal or an
1-25 animal maintained as a pet in the home or on the property of the
1-26 animal's owner and includes captured wildlife or an exotic animal
1-27 maintained as a pet. The term does not include a livestock animal.

1-28 (4) "Running at large" means not under the control of
1-29 the owner or handler while:

1-30 (A) on the premises of another without the
1-31 consent of the owner of the premises or any other person authorized
1-32 to give consent; or

1-33 (B) on a highway, a public road or street, or any
1-34 other place open to the public generally.

1-35 (5) "Service animal" has the meaning assigned by the
1-36 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et
1-37 seq.).

1-38 Sec. 92.002. LIMITATION OF LIABILITY. (a) In this section,
1-39 "emergency" includes:

1-40 (1) a natural disaster, including an earthquake, fire,
1-41 flood, or storm;

1-42 (2) a hazardous chemical or substance incident; and

1-43 (3) a vehicular collision with an animal or other
1-44 transportation accident in which an animal is injured or is
1-45 otherwise in need of assistance to protect the animal's health or
1-46 life.

1-47 (b) A person who in good faith and without compensation
1-48 renders or obtains medical care or treatment for a nonlivestock
1-49 animal that is injured or in distress because of an emergency,
1-50 abandoned, running at large, or stray is not liable for civil
1-51 damages for an injury to the animal resulting from an act or
1-52 omission in rendering or obtaining the medical care or treatment,
1-53 unless the person commits gross negligence, if:

1-54 (1) the person first takes reasonable steps to locate
1-55 the animal's owner by:

1-56 (A) attempting to contact the animal's owner
1-57 using the contact information located on the animal's
1-58 identification tag, collar, or chip, if any, or taking other
1-59 reasonable action to contact the owner; or

1-60 (B) notifying an animal control agency with
1-61 authority over the area where the person resides, or an animal
1-62 control agency with authority over the area where the person took
1-63 custody of the animal if that area lies outside of the municipality
1-64 or county where the person resides, that the animal is in the

2-1 person's custody and providing the animal control agency with the
2-2 person's contact information; or

2-3 (2) a veterinarian determines that the animal:

2-4 (A) needs immediate medical treatment to
2-5 alleviate pain or save the animal's life; or

2-6 (B) exhibits visible signs of recent abuse as
2-7 described by Section 42.092(b), Penal Code.

2-8 Sec. 92.003. LIMITATION OF LIABILITY FOR ANIMAL CONTROL
2-9 AGENCIES AND CERTAIN EMPLOYEES. An animal control agency or an
2-10 employee of an animal control agency acting within the scope of the
2-11 person's employment that in good faith takes into custody and cares
2-12 for a nonlivestock animal that is abandoned, running at large, or
2-13 stray is not liable for civil damages for an injury to the animal
2-14 arising from an act or omission in caring for the animal, except in
2-15 a case of gross negligence, if the animal control agency obtains
2-16 custody of the animal from a person not affiliated with the animal
2-17 control agency and that person certifies in writing that the person
2-18 has taken reasonable steps to locate the owner as provided by
2-19 Section 92.002.

2-20 Sec. 92.004. EFFECT ON OTHER LAW. (a) This chapter does
2-21 not limit the application of or supersede Section 822.013, Health
2-22 and Safety Code, or Section 801.358, Occupations Code.

2-23 (b) This chapter does not create any civil liability or
2-24 waive any defense, immunity, or jurisdictional bar available under
2-25 state law.

2-26 SECTION 2. The change in law made by this Act applies only
2-27 to a cause of action that accrues on or after the effective date of
2-28 this Act. A cause of action that accrued before the effective date
2-29 of this Act is governed by the law as it existed immediately before
2-30 the effective date of this Act, and that law is continued in effect
2-31 for that purpose.

2-32 SECTION 3. This Act takes effect September 1, 2011.

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