

By: Taylor of Collin

H.B. No. 3487

A BILL TO BE ENTITLED

AN ACT

relating to regulations concerning certain service animals;
providing a criminal penalty.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is
amended by adding Chapter 106 to read as follows:

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

Sec. 106.001. DEFINITIONS. In this chapter:

(1) "Canine unit" means a canine handler who is a peace
officer or firefighter and a service canine trained to assist a
peace officer or firefighter in the performance of the individual's
official duties.

(2) "Commercial lodging establishment" means a hotel,
motel, inn, or similar entity that offers lodging to the public in
exchange for compensation.

(3) "Declared disaster" means:

(A) a disaster declared by the president of the
United States;

(B) a state of disaster declared by the governor
under Chapter 418, Government Code; or

(C) a local state of disaster declared by the
governing body of a political subdivision under Section 418.108,
Government Code.

1 (4) "Firefighter" means an individual who is defined
2 as fire protection personnel under Section 419.021, Government
3 Code.

4 (5) "Mutual aid" has the meaning assigned by Section
5 418.004, Government Code.

6 (6) "Peace officer" means a person elected, employed,
7 or appointed as a peace officer under Article 2.12, Code of Criminal
8 Procedure, or other law.

9 (7) "Service canine" means a canine trained to assist
10 in search and rescue or law enforcement activities.

11 Sec. 106.002. CERTAIN CHARGES OR SECURITY DEPOSITS
12 PROHIBITED. A commercial lodging establishment or restaurant may
13 not require the payment of an extra fee or charge or a security
14 deposit for a service canine that accompanies an individual to the
15 establishment or restaurant if:

16 (1) the individual is:

17 (A) a peace officer or firefighter assigned to a
18 canine unit; or

19 (B) a handler of a search and rescue canine
20 participating in a search and rescue operation under the authority
21 or direction of a law enforcement agency or search and rescue
22 agency; and

23 (2) the individual is away from the individual's home
24 jurisdiction while in the course and scope of duty because of:

25 (A) a declared disaster; or

26 (B) a mutual aid request or mutual aid training.

27 Sec. 106.003. LIABILITY FOR PROPERTY DAMAGES. (a)

1 Governmental immunity from suit and from liability is waived and
2 the department or agency of a canine unit may be held liable to the
3 owner or operator of a commercial lodging establishment or
4 restaurant for any damages to the premises caused by the service
5 canine.

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

10 Sec. 106.004. CRIMINAL PENALTY. (a) The owner or operator
11 of a commercial lodging establishment or restaurant commits an
12 offense if the establishment or restaurant violates Section
13 106.002.

14 (b) An offense under this section is a Class C misdemeanor.

15 SECTION 2. This Act takes effect September 1, 2011.