

By: Taylor of Collin

H.B. No. 3487

Substitute the following for H.B. No. 3487:

By: Quintanilla

C.S.H.B. No. 3487

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to regulations concerning certain service animals;  
3 providing a criminal penalty.

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

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

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

9 Sec. 106.001. DEFINITIONS. In this chapter:

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

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

17 (3) "Declared disaster" means:

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

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

22 (C) a local state of disaster declared by the  
23 governing body of a political subdivision under Section 418.108,  
24 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.