

By: Taylor of Collin

H.B. No. 3487

A BILL TO BE ENTITLED

AN ACT

relating to regulations concerning certain service animals;
providing a civil 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. CIVIL PENALTY. (a) A commercial lodging
11 establishment or restaurant that violates Section 106.002 is liable
12 to this state for a civil penalty in an amount not to exceed \$1,000
13 for each violation.

14 (b) The attorney general or the prosecuting attorney in the
15 county in which the violation occurs may bring suit to recover the
16 civil penalty imposed under this section.

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