

1-1 By: Taylor of Collin (Senate Sponsor - Carona) H.B. No. 3487
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 4, 2011, read first time and referred to Committee on Business
1-4 and Commerce; May 10, 2011, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 10, 2011, sent to printer.)

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

1-8 relating to regulations concerning certain service animals;
1-9 providing a criminal penalty.

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

1-11 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is
1-12 amended by adding Chapter 106 to read as follows:

1-13 CHAPTER 106. CERTAIN CHARGES OR SECURITY DEPOSITS FOR CANINE
1-14 HANDLERS PROHIBITED

1-15 Sec. 106.001. DEFINITIONS. In this chapter:

1-16 (1) "Canine unit" means a canine handler who is a peace
1-17 officer or firefighter and a service canine trained to assist a
1-18 peace officer or firefighter in the performance of the individual's
1-19 official duties.

1-20 (2) "Commercial lodging establishment" means a hotel,
1-21 motel, inn, or similar entity that offers lodging to the public in
1-22 exchange for compensation.

1-23 (3) "Declared disaster" means:

1-24 (A) a disaster declared by the president of the
1-25 United States;

1-26 (B) a state of disaster declared by the governor
1-27 under Chapter 418, Government Code; or

1-28 (C) a local state of disaster declared by the
1-29 governing body of a political subdivision under Section 418.108,
1-30 Government Code.

1-31 (4) "Firefighter" means an individual who is defined
1-32 as fire protection personnel under Section 419.021, Government
1-33 Code.

1-34 (5) "Mutual aid" has the meaning assigned by Section
1-35 418.004, Government Code.

1-36 (6) "Peace officer" means a person elected, employed,
1-37 or appointed as a peace officer under Article 2.12, Code of Criminal
1-38 Procedure, or other law.

1-39 (7) "Service canine" means a canine trained to assist
1-40 in search and rescue or law enforcement activities.

1-41 Sec. 106.002. CERTAIN CHARGES OR SECURITY DEPOSITS
1-42 PROHIBITED. A commercial lodging establishment or restaurant may
1-43 not require the payment of an extra fee or charge or a security
1-44 deposit for a service canine that accompanies an individual to the
1-45 establishment or restaurant if:

1-46 (1) the individual is:

1-47 (A) a peace officer or firefighter assigned to a
1-48 canine unit; or

1-49 (B) a handler of a search and rescue canine
1-50 participating in a search and rescue operation under the authority
1-51 or direction of a law enforcement agency or search and rescue
1-52 agency; and

1-53 (2) the individual is away from the individual's home
1-54 jurisdiction while in the course and scope of duty because of:

1-55 (A) a declared disaster; or

1-56 (B) a mutual aid request or mutual aid training.

1-57 Sec. 106.003. LIABILITY FOR PROPERTY DAMAGES.
1-58 (a) Governmental immunity from suit and from liability is waived
1-59 and the department or agency of a canine unit may be held liable to
1-60 the owner or operator of a commercial lodging establishment or
1-61 restaurant for any damages to the premises caused by the service
1-62 canine.

1-63 (b) The handler of a search and rescue canine is liable to
1-64 the owner or operator of a commercial lodging establishment or

2-1 restaurant for any damages to the premises caused by the service
2-2 canine.

2-3 Sec. 106.004. CRIMINAL PENALTY. (a) The owner or operator
2-4 of a commercial lodging establishment or restaurant commits an
2-5 offense if the establishment or restaurant violates Section
2-6 106.002.

2-7 (b) An offense under this section is a Class C misdemeanor.

2-8 SECTION 2. This Act takes effect September 1, 2011.

2-9

* * * * *