

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Taylor of Collin

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.

# ADOPTED

MAY 13 2011

FLOOR AMENDMENT NO. 1

*Letty Spaw*  
Secretary of the Senate  
BY: Caron

1 Amend H.B. No. 3487 (senate committee printing) in SECTION 1  
2 of the bill by striking added Section 106.004, Business & Commerce  
3 Code (page 2, lines 3-7), and substituting the following:

4 Sec. 106.004. CIVIL PENALTY. The owner or operator of a  
5 commercial lodging establishment or restaurant that violates  
6 Section 106.002 is liable for a civil penalty in an amount not to  
7 exceed \$200 for each violation.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 13, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB3487** by Taylor, Van (Relating to regulations concerning certain service animals; providing a criminal penalty. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Business and Commerce Code and prohibits a commercial lodging establishment or restaurant from charging a fee or security deposit for a service canine who accompanies certain specified canine handlers to the establishment or restaurant under two conditions. The conditions which must be present are: a disaster declaration has been issued or the dogs are present due to a mutual aid request or training exercise. It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

The bill also provides that a commercial lodging establishment or restaurant that violates provisions of the bill is liable to the state for a civil penalty of not more than \$200 for each violation. The number of potential violations and the amount of penalties levied are unknown. Therefore, there could be an indeterminate revenue increase to the state.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety

**LBB Staff:** JOB, AG, JM

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 6, 2011**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB3487** by Taylor, Van (Relating to regulations concerning certain service animals; providing a criminal penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Business and Commerce Code and prohibits a commercial lodging establishment or restaurant from charging a fee or security deposit for a service canine who accompanies certain specified canine handlers to the establishment or restaurant under two conditions. The conditions which must be present are: a disaster declaration has been issued or the dogs are present due to a mutual aid request or training exercise. It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

The bill also provides that the owner or operator of a commercial lodging establishment or restaurant that violates provisions of the bill commits a Class C misdemeanor offense. The number of potential violations and the amount of court costs are unknown. Therefore, there could be an indeterminate revenue increase to the state.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety

**LBB Staff:** JOB, AG, JM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 12, 2011**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Business & Industry

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB3487** by Taylor, Van (Relating to regulations concerning certain service animals; providing a criminal penalty.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Business and Commerce Code and prohibits a commercial lodging establishment or restaurant from charging a fee or security deposit for a service canine who accompanies certain specified canine handlers to the establishment or restaurant under two conditions. The conditions which must be present are: a disaster declaration has been issued or the dogs are present due to a mutual aid request or training exercise. It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

The bill also provides that the owner or operator of a commercial lodging establishment or restaurant that violates provisions of the bill commits a Class C misdemeanor offense. The number of potential violations and the amount of court costs are unknown. Therefore, there could be an indeterminate revenue increase to the state.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety

**LBB Staff:** JOB, AG, JM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 3, 2011**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Business & Industry

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB3487** by Taylor, Van (Relating to regulations concerning certain service animals; providing a civil penalty.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Business and Commerce Code and prohibits a commercial lodging establishment or restaurant from charging a fee or security deposit for a service canine who accompanies certain specified canine handlers to the establishment or restaurant under two conditions. The conditions which must be present are: a disaster declaration has been issued or the dogs are present due to a mutual aid request or training exercise. It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

The bill also provides that a commercial lodging establishment or restaurant that violates provisions of the bill is liable to the state for a civil penalty of not more than \$1,000 for each violation. The Office of the Attorney General may bring suit to recover the penalty. The number of potential violations and the amount of penalties levied are unknown. Therefore, there could be an indeterminate revenue increase to the state.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety

**LBB Staff:** JOB, AG, JM