

BILL ANALYSIS

C.S.H.B. 1200
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The nature of the duties of search and rescue teams often requires travel on the part of search and rescue dogs and the handlers of such dogs. There is concern that search and rescue dogs and their handlers do not always have full and equal access to necessary facilities, transport vehicles, and housing accommodations. In an effort to make traveling and lodging more convenient for search and rescue teams, C.S.H.B. 1200 aims to prevent discrimination of search and rescue dogs and dog handlers in restaurants, lodging establishments, and modes of public transit by prohibiting such practices as admittance or entry denial.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1200 amends the Health and Safety Code to prohibit the owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, from denying a search and rescue dog admittance to the facility and from denying a search and rescue dog's handler admittance to the facility because of the presence of the handler's search and rescue dog. The bill defines "search and rescue dog" as a canine that is trained or being trained to assist a law enforcement agency, fire department, or state or nationally recognized search and rescue agency in search and rescue activities.

C.S.H.B. 1200 prohibits the owner, manager, or operator of a common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within Texas, or an employee or other agent of the owner, manager, or operator, from refusing to accept as a passenger a search and rescue dog or the dog's handler or requiring the dog's handler to pay an additional fare because of the dog. The bill specifies that the discrimination prohibited by the bill's provisions includes refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility; a ruse or subterfuge calculated to prevent or discourage the dog or the dog's handler from using or being admitted to a public facility; and failing to make a reasonable accommodation in a policy, practice, or procedure to allow the dog or the dog's handler to be admitted to a public facility. The bill prohibits a policy relating to the use of a public facility by a designated class of persons from the general public from prohibiting the use of the particular public facility by a search and rescue dog or the dog's handler. The bill entitles a search and rescue dog's handler to full and equal access, in the same manner as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in Texas and prohibits the handler from being required to pay an extra fee or charge or security deposit for the search and rescue dog.

C.S.H.B. 1200 makes it a misdemeanor offense for a person to discriminate against a search and rescue dog or the dog's handler and specifies that such an offense is punishable by a fine of not less than \$300 or more than \$1,000. The bill establishes a defense to prosecution for such an

offense if the actor requested the search and rescue dog handler's credentials as authorized by the bill's provisions and the handler failed to provide the actor with the credentials.

C.S.H.B. 1200 requires a handler who accompanies a search and rescue dog to keep the dog properly harnessed or leashed and authorizes a person to maintain a cause of action against the dog's handler for personal injury, property damage, or death resulting from the failure of the dog's handler to properly harness or leash the dog under the same law applicable to other causes brought for the redress of injuries caused by animals. The bill specifies that the handler is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations, makes a local governmental unit liable under the bill's provisions only to the extent provided by the Texas Tort Claims Act, and makes a public servant so liable only as provided by Civil Practice and Remedies Code provisions limiting public servant liability. The bill authorizes a person to ask a search and rescue dog handler to display proof that the handler is a peace officer, a firefighter, or a person with a certification issued by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1200 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 785 to read as follows:

CHAPTER 785. SEARCH AND RESCUE DOGS

Sec. 785.001. DEFINITIONS.

Sec. 785.002. DISCRIMINATION PROHIBITED.

Sec. 785.003. PENALTY FOR DISCRIMINATION.

Sec. 785.004. RESPONSIBILITIES OF HANDLERS; CIVIL LIABILITY. (a) A handler who accompanies a search and rescue dog shall keep the dog properly harnessed or leashed. A person may maintain a cause of action against a dog's handler for personal injury, property damage, or death resulting from the failure of the dog's handler to properly harness or leash the dog under the same law applicable to other causes brought for the redress of injuries caused by animals.
(b) The handler of a search and rescue dog

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 785 to read as follows:

Same as introduced version.

Same as introduced version.

Same as introduced version.

Same as introduced version.

Sec. 785.004. RESPONSIBILITIES OF HANDLERS; CIVIL LIABILITY. (a) A handler who accompanies a search and rescue dog shall keep the dog properly harnessed or leashed. A person may maintain a cause of action against a dog's handler for personal injury, property damage, or death resulting from the failure of the dog's handler to properly harness or leash the dog under the same law applicable to other causes brought for the redress of injuries caused by animals.
(b) The handler of a search and rescue dog

is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations.

(c) Sovereign and governmental immunity from suit and liability of a governmental entity owning a search and rescue dog or employing the dog's handler is waived only to the extent of the liability described by this section.

Sec. 785.005. CANINE HANDLER CREDENTIALS. A person may ask a search and rescue dog handler to display proof that the handler is a peace officer, firefighter, or certified member of the National Association for Search and Rescue or other state or nationally recognized search and rescue agency.

SECTION 2. This Act takes effect September 1, 2013.

is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations.

(c) A governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code, is subject to liability under this section only as provided by Chapter 101, Civil Practice and Remedies Code. A public servant, as defined by Section 108.001, Civil Practice and Remedies Code, is subject to liability under this section only as provided by Chapter 108, Civil Practice and Remedies Code.

Sec. 785.005. CANINE HANDLER CREDENTIALS. A person may ask a search and rescue dog handler to display proof that the handler is a peace officer, a firefighter, or a person with a certification issued by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency.

SECTION 2. Same as introduced version.