

BILL ANALYSIS

Senate Research Center

S.B. 1010
By: Taylor
Agriculture, Rural Affairs & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas faces numerous emergency situations every year, including hurricanes, tornadoes, and wildfires. When these disasters strike, search and rescue teams often travel with little advance notice to locations across Texas. While traveling, search and rescue teams frequently experience difficulties in securing lodging, food, and public transportation.

In an effort to make traveling and lodging more convenient for search and rescue teams, S.B. 1010 prohibits discrimination against search and rescue dogs and their handlers by public facilities. The bill provides that a person may ask to see proof that the handler is a peace officer, firefighter, or a certified member of a nationally recognized search and rescue agency.

S.B. 1010 amends current law relating to access to certain facilities by search and rescue dogs and their handlers, and provides a criminal penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 9, Health and Safety Code, by adding Chapter 785, as follows:

CHAPTER 785. SEARCH AND RESCUE DOGS

Sec. 785.001. DEFINITIONS. Defines "handler," "housing accommodations," "public facility," and "search and rescue dog" in this section.

Sec. 785.002. DISCRIMINATION PROHIBITED. (a) Prohibits 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.

(b) Prohibits 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's handler admittance to the facility because of the presence of the handler's search and rescue dog.

(c) 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 this state, or an employee or other agent of the owner, manager, or operator, from:

- (1) refusing to accept as a passenger a search and rescue dog or the dog's handler; or
- (2) requiring the dog's handler to pay an additional fare because of the search and rescue dog.

(d) Provides that the discrimination prohibited by this section includes:

(1) refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility;

(2) a ruse or subterfuge calculated to prevent or discourage a search and rescue dog or the dog's handler from using or being admitted to a public facility; and

(3) failing to make a reasonable accommodation in a policy, practice, or procedure to allow a search and rescue dog or the dog's handler to be admitted to a public facility.

(e) 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.

(f) 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 this state, subject to any condition or limitation established by law that applies to all persons, except that the handler may not be required to pay an extra fee or charge or security deposit for the search and rescue dog.

Sec. 785.003. PENALTY FOR DISCRIMINATION. (a) Provides that a person who violates Section 785.002 commits an offense and that an offense under this subsection is a misdemeanor punishable by a fine of not less than \$300 or more than \$1,000.

(b) Provides that it is a defense to prosecution under Subsection (a) that the actor requested the search and rescue dog handler's credentials under Section 785.005 and the handler failed to provide the actor with the credentials.

Sec. 785.004. RESPONSIBILITIES OF HANDLERS; CIVIL LIABILITY. (a) Requires a handler who accompanies a search and rescue dog to keep the dog properly harnessed or leashed. Authorizes a person to 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) Provides that 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) Provides that a governmental unit, as defined by Section 101.001 (Definitions), Civil Practice and Remedies Code, is subject to liability under this section only as provided by Chapter 101 (Tort Claims), Civil Practice and Remedies Code. Provides that a public servant, as defined by Section 108.001 (Definitions), Civil Practice and Remedies Code, is subject to liability under this section only as provided by Chapter 108 (Limitation of Liability for Public Servants), Civil Practice and Remedies Code.

Sec. 785.005. CANINE HANDLER CREDENTIALS. Authorizes a person to ask a search and rescue dog handler to display proof that the handler is a person with a certification issued by the National Association for Search and Rescue or other state or nationally recognized search and rescue agency.

SECTION 2. Effective date: September 1, 2013.