

By: Taylor

H.B. No. 1200

A BILL TO BE ENTITLED

AN ACT

relating to access to certain facilities by search and rescue dogs and their handlers; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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. In this chapter:

(1) "Handler" means a peace officer, firefighter, or other person who handles a search and rescue dog.

(2) "Housing accommodations" has the meaning assigned by Section 121.002(3), Human Resources Code.

(3) "Public facility" means a facility described by Section 121.002(5), Human Resources Code.

(4) "Search and rescue dog" means 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.

Sec. 785.002. DISCRIMINATION PROHIBITED. (a) The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog admittance to the facility.

(b) The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may

1 not deny a search and rescue dog's handler admittance to the
2 facility because of the presence of the handler's search and rescue
3 dog.

4 (c) The owner, manager, or operator of a common carrier,
5 airplane, railroad train, motor bus, streetcar, boat, or other
6 public conveyance or mode of transportation operating within this
7 state, or an employee or other agent of the owner, manager, or
8 operator, may not:

9 (1) refuse to accept as a passenger a search and rescue
10 dog or the dog's handler; or

11 (2) require the dog's handler to pay an additional fare
12 because of the search and rescue dog.

13 (d) The discrimination prohibited by this section includes:

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

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

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

22 (e) A policy relating to the use of a public facility by a
23 designated class of persons from the general public may not
24 prohibit the use of the particular public facility by a search and
25 rescue dog or the dog's handler.

26 (f) A search and rescue dog's handler is entitled to full
27 and equal access, in the same manner as other members of the general

1 public, to all housing accommodations offered for rent, lease, or
2 compensation in this state, subject to any condition or limitation
3 established by law that applies to all persons, except that the
4 handler may not be required to pay an extra fee or charge or
5 security deposit for the search and rescue dog.

6 Sec. 785.003. PENALTY FOR DISCRIMINATION. (a) A person who
7 violates Section 785.002 commits an offense. An offense under this
8 subsection is a misdemeanor punishable by a fine of not less than
9 \$300 or more than \$1,000.

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

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

22 (b) The handler of a search and rescue dog is liable for any
23 property damage caused by the search and rescue dog to a public
24 facility or to housing accommodations.

25 (c) Sovereign and governmental immunity from suit and
26 liability of a governmental entity owning a search and rescue dog or
27 employing the dog's handler is waived only to the extent of the

1 liability described by this section.

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

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