

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for removing certain individuals or animals from a motor vehicle and criminal liability for removing certain animals from a motor vehicle.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 92A to read as follows:

CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN INDIVIDUALS OR ANIMALS FROM MOTOR VEHICLE

Sec. 92A.001. DEFINITIONS. In this chapter:

(1) "Animal control officer" has the meaning assigned by Section 829.001, Health and Safety Code.

(2) "Domestic animal" means a dog, cat, or other domesticated animal that may be kept as a household pet. The term does not include a livestock animal, as defined by Section 87.001.

(3) "Motor vehicle" means a vehicle that is self-propelled or a trailer or semitrailer designed for use with a self-propelled vehicle.

(4) "Vulnerable individual" means an individual who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the individual's self from harm.

Sec. 92A.002. LIMITATION OF LIABILITY. A person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual or a domestic animal from the

1 vehicle is immune from civil liability for damages resulting from
2 that entry or removal if the person:

3 (1) determines that:

4 (A) the motor vehicle is locked; or

5 (B) there is no reasonable method for the
6 individual or animal to exit the motor vehicle without assistance;

7 (2) has a good faith and reasonable belief, based on
8 known circumstances, that entry into the motor vehicle is necessary
9 to avoid imminent harm to the individual or animal;

10 (3) before entering the motor vehicle, ensures that
11 law enforcement or animal control, as appropriate, is notified or
12 9-1-1 is called;

13 (4) uses no more force to enter the motor vehicle than
14 is necessary;

15 (5) remains with the individual or animal in a safe
16 location that is in reasonable proximity to the motor vehicle until
17 a first responder or animal control officer arrives or, if based on
18 known circumstances the person has a good faith and reasonable
19 belief that it is necessary to remove the individual or animal from
20 the vicinity of the vehicle:

21 (A) leaves in a secure and conspicuous location
22 on or within the vehicle written notice that provides the person's
23 name and information and is otherwise sufficient to allow the
24 individual or animal to be easily located; or

25 (B) if it is unreasonably burdensome to leave a
26 note under Paragraph (A), provides 9-1-1 with the person's name and
27 sufficient information to allow the individual or animal to be

1 easily located; and

2 (6) in the case of an animal, transfers control of the
3 animal to the first responder or officer on the first responder's or
4 officer's arrival.

5 Sec. 92A.003. EFFECT ON OTHER LAWS. This chapter does not
6 affect limitation under Section 74.151 or 74.152 of a person's
7 liability for good faith administration of emergency care.

8 SECTION 2. Chapter 9, Penal Code, is amended by adding
9 Subchapter G to read as follows:

10 SUBCHAPTER G. PROTECTION OF CERTAIN ANIMALS IN MOTOR VEHICLES

11 Sec. 9.71. DEFINITIONS. In this subchapter:

12 (1) "Animal" has the meaning assigned by Section
13 42.092.

14 (2) "Animal control officer" has the meaning assigned
15 by Section 829.001, Health and Safety Code.

16 (3) "Motor vehicle" has the meaning assigned by
17 Section 92A.001, Civil Practice and Remedies Code.

18 Sec. 9.72. JUSTIFIED REMOVAL OF ANIMAL FROM MOTOR VEHICLE.

19 A person's conduct is justified when the actor, by force or
20 otherwise, enters a motor vehicle for the purpose of removing an
21 animal from the vehicle if the actor:

22 (1) determines that:

23 (A) the motor vehicle is locked; or

24 (B) there is no reasonable method for the animal
25 to exit the motor vehicle without assistance;

26 (2) has a good faith and reasonable belief, based on
27 known circumstances, that entry into the motor vehicle is necessary

1 to avoid imminent harm to the animal;

2 (3) before entering the motor vehicle, ensures that
3 law enforcement or animal control, as appropriate, is notified or
4 9-1-1 is called;

5 (4) uses no more force to enter the motor vehicle than
6 is necessary;

7 (5) remains with the animal in a safe location that is
8 in reasonable proximity to the motor vehicle until a first
9 responder or animal control officer arrives or, if based on known
10 circumstances the actor has a good faith and reasonable belief that
11 it is necessary to remove the animal from the vicinity of the
12 vehicle:

13 (A) leaves in a secure and conspicuous location
14 on or within the vehicle written notice that provides the actor's
15 name and information and is otherwise sufficient to allow the
16 animal to be easily located; or

17 (B) if it is unreasonably burdensome to leave a
18 note under Paragraph (A), provides 9-1-1 with the actor's name and
19 sufficient information to allow the animal to be easily located;
20 and

21 (6) transfers control of the animal to the first
22 responder or officer on the first responder's or officer's arrival.

23 SECTION 3. (a) Chapter 92A, Civil Practice and Remedies
24 Code, as added by this Act, applies only to a cause of action that
25 accrues on or after the effective date of this Act.

26 (b) The change in law made by this Act by adding Subchapter
27 G, Chapter 9, Penal Code, applies only to an offense committed on or

1 after the effective date of this Act. An offense committed before
2 the effective date of this Act is governed by the law in effect on
3 the date the offense was committed, and the former law is continued
4 in effect for that purpose. For purposes of this subsection, an
5 offense was committed before the effective date of this Act if any
6 element of the offense occurred before that date.

7 SECTION 4. This Act takes effect September 1, 2017.