

By: Uresti

S.B. No. 188

A BILL TO BE ENTITLED

AN ACT

relating to civil or criminal liability for transporting in,
confining in, or removing from a motor vehicle certain animals.

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 ANIMALS
FROM MOTOR VEHICLE

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

(1) "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.

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

Sec. 92A.002. LIMITATION OF LIABILITY. A person who, by
force or otherwise, enters a motor vehicle for the purpose of
removing a domestic animal from the vehicle is immune from civil
liability for damages resulting from that entry or removal if the
person:

(1) determines that:

(A) the motor vehicle is locked; or

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

1 (2) has a good faith and reasonable belief, based on
2 the known circumstances, that entry into the motor vehicle is
3 necessary to avoid imminent harm to the domestic animal;

4 (3) before or immediately after entering the motor
5 vehicle, ensures that law enforcement is notified or 911 is called;

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

8 (5) remains with the domestic animal in a safe
9 location that is in reasonable proximity to the motor vehicle until
10 law enforcement or another first responder arrives; and

11 (6) transfers control of the domestic animal to the
12 first responder on the first responder's arrival.

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

15 SUBCHAPTER G. PROTECTION OF CERTAIN ANIMALS IN MOTOR VEHICLES

16 Sec. 9.71. DEFINITION. In this subchapter, "animal" and
17 "motor vehicle" have the meanings assigned by Section 42.092.

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 the known circumstances, that entry into the motor vehicle is

1 necessary to avoid imminent harm to the animal;

2 (3) before or immediately after entering the motor
3 vehicle, ensures that law enforcement is notified or 911 is called;

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

6 (5) remains with the animal in a safe location that is
7 in reasonable proximity to the motor vehicle until law enforcement
8 or another first responder arrives; and

9 (6) transfers control of the animal to the first
10 responder on the first responder's arrival.

11 SECTION 3. Section 42.092(a), Penal Code, is amended by
12 adding Subdivision (6-a) to read as follows:

13 (6-a) "Motor vehicle" means a vehicle that is
14 self-propelled or a trailer or semitrailer designed for use with a
15 self-propelled vehicle.

16 SECTION 4. Section 42.092(b), Penal Code, is amended to
17 read as follows:

18 (b) A person commits an offense if the person intentionally,
19 knowingly, or recklessly:

20 (1) tortures an animal or in a cruel manner kills or
21 causes serious bodily injury to an animal, including by depriving
22 an animal of adequate ventilation or exposing an animal in a motor
23 vehicle to prolonged and life-threatening heat or cold without
24 providing proper protection for the animal;

25 (2) without the owner's effective consent, kills,
26 administers poison to, or causes serious bodily injury to an
27 animal;

1 (3) fails unreasonably to provide necessary food,
2 water, care, or shelter for an animal in the person's custody;

3 (4) abandons unreasonably an animal in the person's
4 custody;

5 (5) transports or confines an animal in a cruel
6 manner, including by depriving an animal of adequate ventilation or
7 exposing an animal in a motor vehicle to prolonged and
8 life-threatening heat or cold without providing proper protection
9 for the animal;

10 (6) without the owner's effective consent, causes
11 bodily injury to an animal;

12 (7) causes one animal to fight with another animal, if
13 either animal is not a dog;

14 (8) uses a live animal as a lure in dog race training
15 or in dog coursing on a racetrack; or

16 (9) seriously overworks an animal.

17 SECTION 5. (a) Chapter 92A, Civil Practice and Remedies
18 Code, as added by this Act, applies only to a cause of action that
19 accrues on or after the effective date of this Act.

20 (b) The change in law made by this Act by adding Subchapter
21 G, Chapter 9, Penal Code, and amending Section 42.092, Penal Code,
22 applies only to an offense committed on or after the effective date
23 of this Act. An offense committed before the effective date of this
24 Act is governed by the law in effect on the date the offense was
25 committed, and the former law is continued in effect for that
26 purpose. For purposes of this subsection, an offense was committed
27 before the effective date of this Act if any element of the offense

1 occurred before that date.

2 SECTION 6. This Act takes effect September 1, 2017.