

1-1 By: Uresti S.B. No. 188  
 1-2 (In the Senate - Filed November 14, 2016; January 25, 2017,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 18, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 8, Nays 1; April 18, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 188 By: Hughes

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to civil liability for removing certain individuals or  
 1-22 animals from a motor vehicle and criminal liability for removing  
 1-23 certain animals from a motor vehicle.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Title 4, Civil Practice and Remedies Code, is  
 1-26 amended by adding Chapter 92A to read as follows:

1-27 CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN  
 1-28 INDIVIDUALS OR ANIMALS FROM MOTOR VEHICLE

1-29 Sec. 92A.001. DEFINITIONS. In this chapter:

1-30 (1) "Animal control officer" has the meaning assigned  
 1-31 by Section 829.001, Health and Safety Code.

1-32 (2) "Domestic animal" means a dog, cat, or other  
 1-33 domesticated animal that may be kept as a household pet. The term  
 1-34 does not include a livestock animal, as defined by Section 87.001.

1-35 (3) "Motor vehicle" means a vehicle that is  
 1-36 self-propelled or a trailer or semitrailer designed for use with a  
 1-37 self-propelled vehicle.

1-38 (4) "Vulnerable individual" means an individual who by  
 1-39 reason of age or physical or mental disease, defect, or injury is  
 1-40 substantially unable to protect the individual's self from harm.

1-41 Sec. 92A.002. LIMITATION OF LIABILITY. A person who, by  
 1-42 force or otherwise, enters a motor vehicle for the purpose of  
 1-43 removing a vulnerable individual or a domestic animal from the  
 1-44 vehicle is immune from civil liability for damages resulting from  
 1-45 that entry or removal if the person:

1-46 (1) determines that:

1-47 (A) the motor vehicle is locked; or

1-48 (B) there is no reasonable method for the  
 1-49 individual or animal to exit the motor vehicle without assistance;

1-50 (2) has a good faith and reasonable belief, based on  
 1-51 known circumstances, that entry into the motor vehicle is necessary  
 1-52 to avoid imminent harm to the individual or animal;

1-53 (3) before or immediately after entering the motor  
 1-54 vehicle, ensures that law enforcement or animal control, as  
 1-55 appropriate, is notified or 9-1-1 is called;

1-56 (4) uses no more force to enter the motor vehicle than  
 1-57 is necessary;

1-58 (5) remains with the individual or animal in a safe  
 1-59 location that is in reasonable proximity to the motor vehicle until  
 1-60 a first responder or animal control officer arrives or, if based on

2-1 known circumstances the person has a good faith and reasonable  
2-2 belief that it is necessary to remove the individual or animal from  
2-3 the vicinity of the vehicle, leaves in a secure and conspicuous  
2-4 location on or within the vehicle written notice that provides the  
2-5 person's name and information and is otherwise sufficient to allow  
2-6 the individual or animal to be easily located; and

2-7 (6) in the case of an animal, transfers control of the  
2-8 animal to the first responder or officer on the first responder's or  
2-9 officer's arrival.

2-10 Sec. 92A.003. EFFECT ON OTHER LAWS. This chapter does not  
2-11 affect limitation under Section 74.151 or 74.152 of a person's  
2-12 liability for good faith administration of emergency care.

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

2-15 SUBCHAPTER G. PROTECTION OF CERTAIN ANIMALS IN MOTOR VEHICLES

2-16 Sec. 9.71. DEFINITIONS. In this subchapter:

2-17 (1) "Animal" has the meaning assigned by Section  
2-18 42.092.

2-19 (2) "Animal control officer" has the meaning assigned  
2-20 by Section 829.001, Health and Safety Code.

2-21 (3) "Motor vehicle" has the meaning assigned by  
2-22 Section 92A.001, Civil Practice and Remedies Code.

2-23 Sec. 9.72. JUSTIFIED REMOVAL OF ANIMAL FROM MOTOR VEHICLE.

2-24 A person's conduct is justified when the actor, by force or  
2-25 otherwise, enters a motor vehicle for the purpose of removing an  
2-26 animal from the vehicle if the actor:

2-27 (1) determines that:

2-28 (A) the motor vehicle is locked; or

2-29 (B) there is no reasonable method for the animal  
2-30 to exit the motor vehicle without assistance;

2-31 (2) has a good faith and reasonable belief, based on  
2-32 known circumstances, that entry into the motor vehicle is necessary  
2-33 to avoid imminent harm to the animal;

2-34 (3) before or immediately after entering the motor  
2-35 vehicle, ensures that law enforcement or animal control, as  
2-36 appropriate, is notified or 9-1-1 is called;

2-37 (4) uses no more force to enter the motor vehicle than  
2-38 is necessary;

2-39 (5) remains with the animal in a safe location that is  
2-40 in reasonable proximity to the motor vehicle until a first  
2-41 responder or animal control officer arrives or, if based on known  
2-42 circumstances the actor has a good faith and reasonable belief that  
2-43 it is necessary to remove the animal from the vicinity of the  
2-44 vehicle, leaves in a secure and conspicuous location on or within  
2-45 the vehicle written notice that provides the actor's name and  
2-46 information and is otherwise sufficient to allow the animal to be  
2-47 easily located; and

2-48 (6) transfers control of the animal to the first  
2-49 responder or officer on the first responder's or officer's arrival.

2-50 SECTION 3. (a) Chapter 92A, Civil Practice and Remedies  
2-51 Code, as added by this Act, applies only to a cause of action that  
2-52 accrues on or after the effective date of this Act.

2-53 (b) The change in law made by this Act by adding Subchapter  
2-54 G, Chapter 9, Penal Code, applies only to an offense committed on or  
2-55 after the effective date of this Act. An offense committed before  
2-56 the effective date of this Act is governed by the law in effect on  
2-57 the date the offense was committed, and the former law is continued  
2-58 in effect for that purpose. For purposes of this subsection, an  
2-59 offense was committed before the effective date of this Act if any  
2-60 element of the offense occurred before that date.

2-61 SECTION 4. This Act takes effect September 1, 2017.

2-62 \* \* \* \* \*