

BILL ANALYSIS

H.B. 3756
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The American Veterinary Medical Association estimates that each year, hundreds of animals die in hot cars. Often, these deaths are entirely avoidable as pet owners leave their animals locked in cars while running errands, unaware that temperatures inside a vehicle can rise by 20 degrees in as little as 10 minutes according to the National Weather Service. This danger can be avoided by allowing good Samaritans to rescue domestic animals trapped in hot cars without fear of being sued for property damage. H.B. 3756 seeks to provide civil liability protections to a person who enters a motor vehicle to remove a domestic animal they have reason to believe is in imminent danger if certain conditions are satisfied.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3756 amends the Civil Practice and Remedies Code to grant a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a domesticated animal that may be kept as a household pet immunity from civil liability for damages resulting from that entry or removal if the following conditions are met:

- the person determines that the motor vehicle is locked or there is no reasonable method for the animal to exit the motor vehicle without assistance;
- the person has a good faith and reasonable belief, based on known circumstances, that entry into the vehicle is necessary to avoid imminent harm to the animal;
- before entering the motor vehicle, the person ensures that law enforcement is notified or 911 is called if the person is not a law enforcement officer or other first responder;
- the person uses no more force to enter the vehicle and remove the animal than is necessary;
- the person remains with the animal in a safe location that is in reasonable proximity to the vehicle until a law enforcement officer or other first responder arrives; and
- the person places a note on the vehicle's windshield with the following information:
 - a method of contacting the person;
 - an explanation of the reason that the person entered the vehicle;
 - the location of the animal; and
 - a statement indicating that the person notified law enforcement, called 911, or is a law enforcement officer or other first responder, as applicable.

The bill clarifies that this immunity from liability does not apply with respect to an animal raised for human consumption or a farm animal.

H.B. 3756 establishes that a person is not immune from civil liability for entering a motor vehicle for the purpose of removing a vulnerable individual or a domestic animal if law enforcement personnel advised the person to not enter the vehicle.

H.B. 3756 applies only to a cause of action that accrues on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.