

BILL ANALYSIS

H.B. 349
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Data published in Total Vet, in an article updated on May 18, 2024, shows that Texas leads the nation in heat-related pet deaths at nearly six times the national average, with a majority of deaths resulting from pets confined inside an overheated vehicle. Often, these deaths are avoidable, particularly when pet owners leave their animals locked in cars while running errands, perhaps unaware that temperatures inside a vehicle, according to the National Weather Service, can rise by 20 degrees in as little as 10 minutes. This danger may be mitigated by allowing a person to rescue domestic animals trapped in hot cars without fear of being sued for property damage. H.B. 349 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. 349 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 domestic animal from the vehicle immunity from civil liability for damages resulting from that entry or removal if the person does the following:

- determines that the motor vehicle is locked or there is no reasonable method for the animal to exit the motor vehicle without assistance;
- 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, ensures that law enforcement is notified or 9-1-1 is called if the person is not a law enforcement officer or other first responder;
- uses no more force to enter the vehicle and remove the animal than is necessary; and
- 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.

The bill 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 the person, upon notifying law enforcement or calling 9-1-1, was advised by law enforcement personnel to not enter the vehicle.

H.B. 349 defines "domestic animal" as a dog, cat, or other domesticated animal that may be kept as a household pet. The term does not include a livestock animal raised for human consumption or a farm animal.

H.B. 349 applies only to a cause of action that accrues on or after the bill's effective date. A cause of action that accrued before that date is governed by the law applicable to the cause of action immediately before that date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.