

BILL ANALYSIS

Senate Research Center
82R13686 ALB-D

H.B. 2471
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Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties are concerned that state law does not adequately protect a person, an animal control agency, or an animal control agency employee who renders aid to an injured or distressed animal from civil action brought as a result of seeking or providing such care. H.B. 2471 seeks to limit the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.

H.B. 2471 amends current law relating to limiting the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 92, as follows:

CHAPTER 92. LIMITATION OF LIABILITY FOR PERSON ASSISTING CERTAIN ANIMALS

Sec. 92.001. DEFINITIONS. Defines, in this chapter, "animal control agency," "livestock animal," "nonlivestock animal," "running at large," and "service animal."

Sec. 92.002. LIMITATION OF LIABILITY. (a) Provides that, in this section, "emergency" includes:

- (1) a natural disaster, including an earthquake, fire, flood, or storm;
- (2) a hazardous chemical or substance incident; and
- (3) a vehicular collision with an animal or other transportation accident in which an animal is injured or is otherwise in need of assistance to protect the animal's health or life.

(b) Provides that a person who in good faith and without compensation renders or obtains medical care or treatment for a nonlivestock animal that is injured or in distress because of an emergency, abandoned, running at large, or stray is not liable for civil damages for an injury to the animal resulting from an act or omission in rendering or obtaining the medical care or treatment, unless the person commits gross negligence, if:

- (1) the person first takes reasonable steps to locate the animal's owner by attempting to contact the animal's owner using the contact information located on the animal's identification tag, collar, or chip, if any, or taking other reasonable action to contact the owner; or notifying an animal

control agency with authority over the area where the person resides, or an animal control agency with authority over the area where the person took custody of the animal if that area lies outside of the municipality or county where the person resides, that the animal is in the person's custody and providing the animal control agency with the person's contact information; or

(2) a veterinarian determines that the animal needs immediate medical treatment to alleviate pain or save the animal's life, or exhibits visible signs of recent abuse as described by Section 42.092(b) (relating to offenses if a person commits certain acts), Penal Code.

Sec. 92.003. LIMITATION OF LIABILITY FOR ANIMAL CONTROL AGENCIES AND CERTAIN EMPLOYEES. Provides that an animal control agency or an employee of an animal control agency acting within the scope of the person's employment that in good faith takes into custody and cares for a nonlivestock animal that is abandoned, running at large, or stray is not liable for civil damages for an injury to the animal arising from an act or omission in caring for the animal, except in a case of gross negligence, if the animal control agency obtains custody of the animal from a person not affiliated with the animal control agency and that person certifies in writing that the person has taken reasonable steps to locate the owner as provided by Section 92.002.

Sec. 92.004. EFFECT ON OTHER LAW. (a) Provides that this chapter does not limit the application of or supersede Section 822.013 (Dogs or Coyotes that Attack Animals), Health and Safety Code, or Section 801.358 (Liability of Veterinarian for Emergency Treatment; Euthanasia Presumption), Occupations Code.

(b) Provides that this chapter does not create any civil liability or waive any defense, immunity, or jurisdictional bar available under state law.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.