

BILL ANALYSIS

Senate Research Center
86R2315 BRG-D

S.B. 250
By: Zaffirini
State Affairs
3/12/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The American Veterinary Medical Association estimates that each year hundreds of animals die in hot cars. Often, the animals or pets left in unattended cars are dogs. A dog's normal body temperature is between 99 and 102 degrees Fahrenheit. At a body temperature of just 106 degrees, a dog can experience thermal damage to the kidneys and liver and the cells lining the intestinal wall, which can cause severe bloody vomiting and diarrhea, as well as clotting that can lead to painful swelling in the brain. Above 109 degrees, a dog can suffer irreversible brain damage, seizures, coma, or death. What's more, a car not only can become deadly on a hot day very quickly but also can become dangerously hot even on a cool day. When the outside temperature is 90 degrees or more, the interior temperature of a parked car can rise by 20 degrees in as little as 10 minutes. But even when the temperature is as low as 70 degrees outside, the interior of a parked car can reach 104 degrees in just half an hour. S.B. 250 would provide civil liability protections to persons who enter a vehicle to remove a domestic animal they have reason to believe is in imminent danger. To qualify for this liability waiver, a person would be required to satisfy certain technical requirements, such as ensuring the vehicle is locked, using no more force than is necessary to remove the pet, contacting law enforcement before entering the vehicle, and remaining at the scene until an officer arrives. Similar laws exist in 26 other states.

As proposed, S.B. 250 amends current law relating to civil liability for removing certain animals from a motor vehicle.

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 the heading to Chapter 92A, Civil Practice and Remedies Code, to read as follows:

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

SECTION 2. Amends Section 92A.001, Civil Practice and Remedies Code, as follows:

Sec. 92A.001. DEFINITIONS.

- (1) Defines "domestic animal" for purposes of this chapter.
- (2) Creates this subdivision from existing text. Makes no further changes to this subdivision.
- (3) Makes a nonsubstantive change.

SECTION 3. Amends Section 92A.002, Civil Practice and Remedies Code, to provide that a person who, by force or otherwise, enters a motor vehicle for the purposes of removing a

domestic animal under certain conditions is immune from civil liability for damages resulting from that entry or removal and makes conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2019.