

By: Hilderbran

H.B. No. 251

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of dangerous wild animals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 822.102(a), Health and Safety Code, is amended to read as follows:

(a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;

(2) a research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;

(3) an organization that is an accredited member of the American Zoo and Aquarium Association;

(4) an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;

~~(5) [an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code,~~

~~(6)]~~ a dangerous wild animal owned by and in the

1 custody and control of a transient circus company that is not based
2 in this state if:

3 (A) the animal is used as an integral part of the
4 circus performances; and

5 (B) the animal is kept within this state only
6 during the time the circus is performing in this state or for a
7 period not to exceed 30 days while the circus is performing outside
8 the United States;

9 (6) [~~(7)~~] a dangerous wild animal while in the
10 temporary custody or control of a television or motion picture
11 production company during the filming of a television or motion
12 picture production in this state;

13 (7) [~~(8)~~] a dangerous wild animal owned by and in the
14 possession, custody, or control of a college or university solely
15 as a mascot for the college or university;

16 (8) [~~(9)~~] a dangerous wild animal while being
17 transported in interstate commerce through the state in compliance
18 with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its
19 subsequent amendments and the regulations adopted under that Act;

20 (9) [~~(10)~~] a nonhuman primate owned by and in the
21 control and custody of a person whose only business is supplying
22 nonhuman primates directly and exclusively to biomedical research
23 facilities and who holds a Class "A" or Class "B" dealer's license
24 issued by the secretary of agriculture of the United States under
25 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its
26 subsequent amendments;

27 (10) [~~(11)~~] a dangerous wild animal that is:

1 (A) owned by or in the possession, control, or
2 custody of a person who is a participant in a species survival plan
3 of the American Zoo and Aquarium Association for that species; and

4 (B) an integral part of that species survival
5 plan; and

6 (11) [~~(12)~~] in a county west of the Pecos River that
7 has a population of less than 25,000, a cougar, bobcat, or coyote in
8 the possession, custody, or control of a person that has trapped the
9 cougar, bobcat, or coyote as part of a predator or depredation
10 control activity.

11 SECTION 2. The heading to Section 822.103, Health and
12 Safety Code, is amended to read as follows:

13 Sec. 822.103. CERTIFICATE OF REGISTRATION; RESTRICTIONS;
14 FEES.

15 SECTION 3. Sections 822.103(a) and (c), Health and Safety
16 Code, are amended to read as follows:

17 (a) A person may not own, harbor, or have custody or control
18 of a dangerous wild animal for any purpose unless:

19 (1) the person holds a certificate of registration for
20 that animal issued by an animal registration agency;

21 (2) the location where the animal is kept is five or
22 more miles from any school, church, or day care; and

23 (3) the person has two or more acres for each animal
24 registered at the location where the animal is kept.

25 (c) The animal registration agency may establish and charge
26 reasonable fees for application, issuance, and renewal of a
27 certificate of registration in order to recover the costs

1 associated with the administration and enforcement of this
2 subchapter. The fee charged to an applicant may not exceed \$500
3 [~~\$50~~] for each animal registered [~~and may not exceed \$500 for each~~
4 ~~person registering animals, regardless of the number of animals~~
5 ~~owned by the person~~]. The fees collected under this section may be
6 used only to administer and enforce this subchapter.

7 SECTION 4. Section 822.104(b), Health and Safety Code, is
8 amended to read as follows:

9 (b) The application must include:

10 (1) the name, address, and telephone number of the
11 applicant;

12 (2) a complete identification of each animal,
13 including species, sex, age, if known, and any distinguishing marks
14 or coloration that would aid in the identification of the animal;

15 (3) the exact location where each animal is to be kept;

16 (4) a sworn statement that:

17 (A) all information in the application is
18 complete and accurate; and

19 (B) the applicant has read this subchapter and
20 that all facilities used by the applicant to confine or enclose the
21 animal comply with the requirements of this subchapter; [~~and~~]

22 (5) the name of the person who owned the animal
23 immediately before the applicant;

24 (6) the address where the applicant obtained the
25 animal; and

26 (7) any other information the animal registration
27 agency may require.

1 SECTION 5. Section 822.105, Health and Safety Code, is
2 amended by adding Subsection (e) to read as follows:

3 (e) A person may not reapply for a certificate of
4 registration before the first anniversary of the date:

5 (1) the denial of an application for a certificate of
6 registration becomes final; or

7 (2) the revocation of a certificate of registration
8 becomes final.

9 SECTION 6. Section 822.107, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 822.107. LIABILITY INSURANCE. (a) An owner of a
12 dangerous wild animal shall maintain liability insurance coverage
13 in an amount sufficient to cover [~~of not less than \$100,000 for each~~
14 ~~occurrence for~~] liability for damages for destruction of or damage
15 to property and death or bodily injury to a person caused by the
16 dangerous wild animal.

17 (b) The executive commissioner of the Health and Human
18 Services Commission by rule shall establish insurance requirements
19 and standards to ensure that an owner of a dangerous wild animal
20 maintains liability insurance coverage in an amount that protects
21 and enhances the public's health and safety.

22 (c) An owner of a dangerous wild animal shall comply with
23 the insurance requirements and standards established under
24 Subsection (b).

25 SECTION 7. Section 822.113(c), Health and Safety Code, is
26 amended to read as follows:

27 (c) An offense under this section is a Class B [~~C~~]

1 misdemeanor.

2 SECTION 8. Section 822.115, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 822.115. INJUNCTION. (a) Any person who lives or owns
5 property in the county where a dangerous wild animal is kept [~~is~~
6 ~~directly harmed or threatened with harm by a violation of this~~
7 ~~subchapter or a failure to enforce this subchapter~~] may sue the [~~an~~]
8 owner of the [~~a dangerous wild~~] animal to enjoin a violation of this
9 subchapter or to enforce this subchapter.

10 (b) The county or municipality where a dangerous wild animal
11 is kept may sue an owner of the animal to enjoin a violation of this
12 subchapter or to enforce this subchapter.

13 SECTION 9. (a) The changes in law made by this Act to
14 Sections 822.104 and 822.105, Health and Safety Code, apply to an
15 application for a certificate of registration for a dangerous wild
16 animal filed on or after the effective date of this Act. An
17 application for a certificate of registration for a dangerous wild
18 animal filed before the effective date of this Act is governed by
19 the law in effect on the date the application was filed, and the
20 former law is continued in effect for that purpose.

21 (b) The change in law made by this Act to Section
22 822.113(c), Health and Safety Code, applies only to an offense
23 committed on or after the effective date of this Act. An offense
24 committed before the effective date of this Act is governed by the
25 law in effect on the date the offense was committed, and the former
26 law is continued in effect for that purpose. For purposes of this
27 subsection, an offense was committed before the effective date of

1 this Act if any element of the offense occurred before that date.

2 SECTION 10. This Act takes effect September 1, 2011.