CHAPTER 838
H.B. No. 489

AN ACT
relating to rights and responsibilities of persons with disabilities, including with respect to the use of
service animals that provide assistance to those persons; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.023
to read as follows:

Sec. 437.023. SERVICE ANIMALS. (a) A food service establishment, retail food store,
or other entity regulated under this chapter may not deny a service animal admittance into
an area of the establishment or store or of the physical space occupied by the entity that is
open to customers and is not used to prepare food if:

(1) the service animal is accompanied and controlled by a person with a disability; or
(2) the service animal is in training and is accompanied and controlled by an approved
trainer.

(b) If a service animal is accompanied by a person whose disability is not readily
apparent, for purposes of admittance to a food service establishment, retail food store, or
physical space occupied by another entity regulated under this chapter, a staff member of the
establishment, store, or entity may only inquire about:

(1) whether the service animal is required because the person has a disability; and
(2) what type of work the service animal is trained to perform.

(c) In this section, “service animal” means a canine that is specially trained or equipped
to help a person with a disability. An animal that provides only comfort or emotional
support to a person is not a service animal under this section. The tasks that a service
animal may perform in order to help a person with a disability must be directly related to
the person’s disability and may include:

(1) guiding a person who has a visual impairment;
(2) alerting a person who has a hearing impairment or who is deaf;
(3) pulling a wheelchair;
(4) alerting and protecting a person who has a seizure disorder;
(5) reminding a person who has a mental illness to take prescribed medication; and
(6) calming a person who has post-traumatic stress disorder.

SECTION 2. Sections 121.002(1), (4), and (5), Human Resources Code, are amended to
read as follows:

(1) “Assistance animal” and “service animal” mean an animal that is
specially trained or equipped to help a person with a disability and that [;

[(A)] is used by a person with a disability [who has satisfactorily completed a specific
course of training in the use of the animal; and

[(B) has been trained by an organization generally recognized by agencies involved in
the rehabilitation of persons with disabilities as reputable and competent to provide
animals with training of this type].

(4) “Person with a disability” means a person who has:

(A) a mental or physical disability;
(B) an intellectual or developmental disability;
(C) a hearing impairment;
(D) deafness;
(E) a speech impairment;
(F) a visual impairment;
(G) post-traumatic stress disorder; or
(H) any health impairment that requires special ambulatory devices or services.

(5) “Public facility” includes a street, highway, sidewalk, walkway, common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation; a hotel, motel, or other place of lodging; a public building maintained by any unit or subdivision of government; a retail business, commercial establishment, or office building to which the general public is invited; a college dormitory or other educational facility; a restaurant or other place where food is offered for sale to the public; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

SECTION 3. Section 121.003, Human Resources Code, is amended by amending Subsections (b), (d), (h), and (i) and adding Subsections (k) and (l) to read as follows:

(b) No common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person with a disability because of the person's disability, nor may a person with a disability be required to pay an additional fare because of his or her use of a service animal, wheelchair, crutches, or other device used to assist a person with a disability in travel.

(d) The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility, and a failure to:

(1) comply with Chapter 469, Government Code [Article 9102, Revised Statutes];
(2) make reasonable accommodations in policies, practices, and procedures; or
(3) provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

(h) A person with a total or partial disability who has or obtains a service animal is entitled to full and equal access to all housing accommodations provided for in this section, and may not be required to pay extra compensation or make a deposit for the animal but is liable for damages done to the premises by the animal except for reasonable wear and tear.

(i) A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer who is an agent of an organization generally recognized by agencies involved in the rehabilitation of persons who are disabled as reputable and competent to provide training for assistance animals, and/or their handlers.

(k) Except as provided by Subsection (l), a person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a public facility except to determine the basic type of assistance provided by the service animal to a person with a disability.

(l) If a person's disability is not readily apparent, for purposes of admittance to a public facility with a service animal, a staff member or manager of the facility may inquire about:

(1) whether the service animal is required because the person has a disability; and
(2) what type of work or task the service animal is trained to perform.

SECTION 4. Section 121.004, Human Resources Code, is amended to read as follows:

Sec. 121.004. PENALTIES FOR AND DAMAGES RESULTING FROM DISCRIMINATION. (a) A person, including a firm, association, corporation, or other public or private organization, or the agent of the person, and any employee, agent, or other person acting in the course and scope of the person's business, who establishes, maintains, or otherwise operates a public facility that discriminates against a person with a disability or who fails to make reasonable accommodations in policies, practices, and procedures, or who otherwise violates this chapter, is liable for damages to the person with a disability or to the person on whose behalf the action is brought.

(b) A person who wilfully or wantonly violates this chapter is liable for treble damages, or at the option of the person with a disability, an award of attorneys' fees, costs, and expenses incurred by the person with a disability in enforcing this chapter.

(c) A person who willfully or wantonly violates this chapter is subject to a fine of not less than $1,000 and not more than $25,000, payable to the state, and imprisonment for up to one year.

(d) A person who willfully or wantonly violates this chapter is also subject to the penalties established by the Human Rights Code [Article 9102, Revised Statutes].

(e) A person who willfully or wantonly violates this chapter is also subject to the penalties established by the Human Rights Code [Article 9102, Revised Statutes].

(f) A person who willfully or wantonly violates this chapter is also subject to the penalties established by the Human Rights Code [Article 9102, Revised Statutes].

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(G) A person who willfully or wantonly violates this chapter is also subject to the penalties established by the Human Rights Code [Article 9102, Revised Statutes].
who violates a provision of Section 121.003 commits an offense. An offense under this subsection is a misdemeanor punishable by:

(1) a fine of not less than $300 or more than $300; and

(2) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year [[$1,000]].

(b) In addition to the penalty provided in Subsection (a) [of this section], a person, including a firm, association, corporation, or other public or private organization, or the agent of the [a] person, [firm, association, corporation, or other organization,] who violates the provisions of Section 121.003 [of this chapter] is deemed to have deprived a person with a disability of his or her civil liberties. The person with a disability deprived of his or her civil liberties may maintain a cause of action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least $300 [[$100]] to the person with a disability.

SECTION 5. Section 121.006(a), Human Resources Code, is amended to read as follows:

(a) A person who uses a service animal with a harness or leash of the type commonly used by persons with disabilities who use trained animals, in order to represent that his or her animal is a specially trained service animal when training [of the type described in Section 121.002(1)(B) of this chapter] has not in fact been provided, is guilty of a misdemeanor and on conviction shall be punished by:

(1) a fine of not more than $300; and

(2) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year [[$200]].

SECTION 6. Section 121.008, Human Resources Code, is amended to read as follows:

Sec. 121.008. DISSEMINATION OF INFORMATION RELATING TO PERSONS WITH DISABILITIES. (a) To ensure maximum public awareness of the policies set forth in this chapter, the governor shall [may] issue a proclamation each year taking suitable public notice of October 15 as White Cane Safety and Service Animal Recognition Day. The proclamation must contain appropriate comment about the significance of various devices and animals used by persons with disabilities to assist them in traveling, and must call to the attention of the public the provisions of this chapter and of other laws relating to the safety and well-being of this state's citizens with disabilities.

(b) The comptroller, the secretary of state, and other state [State] agencies that regularly mail [mailing] forms or information to significant numbers of public facilities and businesses operating within the state shall cooperate with state agencies responsible for the rehabilitation of persons with disabilities by sending information about this chapter to those to whom regular mailings are sent. The information, which must be sent at [only on] the request of state agencies responsible for the rehabilitation of persons with disabilities and at least [not more than] once each year, may be included in regular mailings or sent separately. If sent separately, the cost of mailing is borne by the state rehabilitation agency or agencies requesting the mailing and, regardless of whether sent separately or as part of a regular mailing, the cost of preparing information about this chapter is borne by the state rehabilitation agency or agencies requesting distribution of this information.

SECTION 7. The changes in law made by this Act to Sections 121.004 and 121.006, Human Resources Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect January 1, 2014.

Passed by the House on May 1, 2013: Yeas 120, Nays 21, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 489 on May 24, 2013,
and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 489 on May 26, 2013: Yeas 140, Nays 5, 1 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 29, Nays 2; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 489 on May 26, 2013: Yeas 30, Nays 1.

Approved June 14, 2013.
Effective January 1, 2014.

CHAPTER 839
H.B. No. 6

AN ACT
relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITION. In any provision of this Act that does not amend current law, "state agency" means an office, institution, or other agency that is in the executive branch or the judicial branch of state government, has authority that is not limited to a geographical portion of the state, and was created by the constitution or a statute of this state. The term does not include an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created by an Act of the 83rd Legislature, Regular Session, 2013, that becomes law and all dedications or rededications of revenue collected by a state agency for a particular purpose by an Act of the 83rd Legislature, Regular Session, 2013, that becomes law are abolished on the later of August 31, 2013, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND ACCOUNTS. Section 2 of this Act does not apply to:

(1) statutory dedications, funds, and accounts that were enacted before the 83rd Legislature convened to comply with requirements of state constitutional or federal law;

(2) dedications, funds, or accounts that remained exempt from former Section 403.094(h), Government Code, at the time dedications, accounts, and funds were abolished under that provision;

(3) increases in fees or in other revenue dedicated as described by this section; or

(4) increases in fees or in other revenue required to be deposited in a fund or account described by this section.

SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not apply to funds created pursuant to an Act of the 83rd Legislature, Regular Session, 2013, for which separate accounting is required by federal law, except that the funds shall be deposited in accounts in the general revenue fund unless otherwise required by federal law.

SECTION 5. TRUST FUNDS. Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 83rd Legislature, Regular Session, 2013, except that the trust funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

SECTION 6. BOND FUNDS. Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 83rd Legislature, Regular Session, 2013, except that the funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.