

7102

I N S E N A T E

March 28, 2016

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the confinement of companion animals in vehicles in extreme temperatures

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 353-d of the agriculture and markets law, as added
2 by chapter 586 of the laws of 2008, is amended to read as follows:

3 S 353-d. Confinement of companion animals in vehicles: extreme temper-
4 atures. 1. A person shall not confine a companion animal in a motor
5 vehicle in extreme heat or cold without proper ventilation or other
6 protection from such extreme temperatures where such confinement places
7 the companion animal in imminent danger of death or serious physical
8 injury due to exposure to such extreme heat or cold.

9 2. Where the operator of such a vehicle cannot be promptly located, a
10 [police officer, peace officer, or peace officer acting as an agent of a
11 duly incorporated humane society] PERSON may take necessary steps to
12 remove the animal or animals from the vehicle.

13 3. [Police officers, peace officers or peace officers acting as agents
14 of a duly incorporated humane society] A PERSON removing an animal or
15 animals from a vehicle pursuant to this section shall place a written
16 notice on or in the vehicle, bearing the name of [the officer or agent]
17 SUCH PERSON, and the department or agency and address where the animal
18 or animals will be taken.

19 4. An animal or animals removed from a vehicle pursuant to this
20 section shall, after receipt of any necessary emergency veterinary
21 treatment, be delivered to the duly incorporated humane society or soci-
22 ety for the prevention of cruelty to animals, or designated agent there-
23 of, in the jurisdiction where the animal or animals were seized.

24 5. Any person who knowingly violates the provisions of subdivision one
25 of this section shall be guilty of a violation, punishable by a fine of
26 not less than fifty dollars nor more than one hundred dollars for a
27 first offense, and a fine of not less than one hundred dollars nor more
28 than two hundred and fifty dollars for a second and subsequent offenses.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 6. [Officers] A PERSON ACTING UNDER THIS SECTION shall not be held
2 criminally or civilly liable for actions taken reasonably and in good
3 faith in carrying out the provisions of this section.

4 7. Nothing contained in this section shall be construed to affect any
5 other protections afforded to companion animals under any other
6 provisions of this article.

7 S 2. This act shall take effect immediately.