

7102--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. FOR THE PURPOSES OF
9 THIS SECTION, EXTREME TEMPERATURES SHALL BE DEFINED AS ANY TEMPERATURE
10 LOWER THAN THIRTY-TWO DEGREES FAHRENHEIT OR HIGHER THAN SEVENTY DEGREES
11 FAHRENHEIT.
12 2. Where the operator of such a vehicle cannot be promptly located, a
13 [police officer, peace officer, or peace officer acting as an agent of a
14 duly incorporated humane society] PERSON may take necessary steps to
15 remove the animal or animals from the vehicle. NECESSARY STEPS SHALL
16 INCLUDE:
17 (A) CHECKING TO SEE IF ANY OF THE DOORS TO THE VEHICLE ARE UNLOCKED;
18 (B) MAKING A GOOD FAITH EFFORT TO LOCATE THE OWNER OF THE VEHICLE; AND
19 (C) CALLING THE POLICE OR 911.
20 IF AFTER ALL THESE STEPS HAVE BEEN COMPLETED AND A PERSON DETERMINES
21 AN ANIMAL IS IN IMMINENT DANGER, HE OR SHE MAY BREAK A WINDOW TO REMOVE
22 THE ANIMAL FROM THE VEHICLE.

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

LBD11302-05-6

1 UPON ARRIVAL AT THE VEHICLE, THE RESPONDING POLICE OFFICER OR OFFICERS
2 SHALL TAKE CUSTODY OF THE ANIMAL AND ENSURE IT IS TAKEN TO A LOCATION
3 DESIGNATED BY THE MUNICIPALITY WHERE THE INCIDENT OCCURRED.

4 3. [Police officers, peace officers or peace officers acting as agents
5 of a duly incorporated humane society] A PERSON removing an animal or
6 animals from a vehicle pursuant to this section shall place a written
7 notice on or in the vehicle, bearing the name of [the officer or agent]
8 SUCH PERSON, and the [department or agency and address] LOCATION DESIG-
9 NATED BY THE MUNICIPALITY where the animal or animals will be taken BY
10 THE RESPONDING POLICE OFFICER OR OFFICERS OF THE MUNICIPALITY WHERE THE
11 INCIDENT OCCURRED.

12 4. An animal or animals removed from a vehicle pursuant to this
13 section shall[, after receipt of any necessary emergency veterinary
14 treatment, be delivered to the duly incorporated humane society or soci-
15 ety for the prevention of cruelty to animals, or designated agent there-
16 of,] BE TURNED OVER BY THE RESPONDING POLICE OFFICER OR OFFICERS TO A
17 LOCATION DESIGNATED BY THE MUNICIPALITY WHERE THE INCIDENT OCCURRED in
18 the jurisdiction where the animal or animals were seized.

19 5. Any person who knowingly violates the provisions of subdivision one
20 of this section shall be guilty of a violation, punishable by a fine of
21 not less than fifty dollars nor more than one hundred dollars for a
22 first offense, and a fine of not less than one hundred dollars nor more
23 than two hundred and fifty dollars for a second and subsequent offenses.

24 6. [Officers] ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF
25 SUBDIVISION ONE OF THIS SECTION SHALL BE RESPONSIBLE FOR THE COST OF ANY
26 NECESSARY VETERINARY CARE THAT RESULTS FROM SUCH VIOLATION.

27 7. IF THE LOCATION DESIGNATED BY THE MUNICIPALITY WHERE THE INCIDENT
28 OCCURRED IS THE LOCAL HUMANE SOCIETY, THE ANIMAL SHALL BE HELD FOR A
29 MINIMUM OF THREE DAYS BEFORE IT IS PUT UP FOR ADOPTION.

30 8. A PERSON ACTING UNDER THIS SECTION shall not be held criminally or
31 civilly liable for actions taken reasonably and in good faith in carry-
32 ing out the provisions of this section.

33 [7.] 9. Nothing contained in this section shall be construed to affect
34 any other protections afforded to companion animals under any other
35 provisions of this article.

36 S 2. This act shall take effect immediately.