S T A T E O F N E W Y O R K

11033

I N A S S E M B L Y

May 10, 2010

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law and the agriculture and markets law, in relation to the recovery of abandoned animals from property that has been vacated through lease termination, property foreclosure or abandonment

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

Section 1. The real property actions and proceedings law is amended by adding a new section 242 to read as follows:

S 242. RECOVERY OF ABANDONED ANIMALS. 1. NOTWITHSTANDING SECTIONS THIRTEEN HUNDRED SEVEN AND NINETEEN HUNDRED SEVENTY-ONE OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PERSON OR ENTITY WHO ENCOUNTERS AN ABANDONED ANIMAL IN A PROPERTY THAT HAS BEEN VACATED THROUGH LEASE TERMINATION, PROPERTY FORECLOSURE OR ABANDONMENT SHALL IMMEDIATELY NOTIFY ANIMAL CONTROL OFFICERS OR ANY OTHER AUTHORIZED AGENT FOR THE PURPOSE OF IMMEDIATELY RETRIEVING SUCH ANIMAL.

2. FOR PURPOSES OF THIS SECTION, THE PERSON OR PRIVATE ENTITY THAT NOTIFIES ANIMAL CONTROL OFFICERS OR OTHER AUTHORIZED AGENTS TO RETRIEVE THE ABANDONED ANIMAL OR THE SUCCESSOR PROPERTY OWNER SHALL NOT BE CONSIDERED THE KEEPER OF THE ANIMAL OR THE AGENT OF THE ANIMAL'S OWNER.

3. THE ABANDONED ANIMAL RECOVERED BY THE ANIMAL CONTROL OFFICER OR ANY OTHER AUTHORIZED AGENT SHALL BE SUBJECT TO THE DISPOSITION PROVISIONS PROVIDED BY SECTION THREE HUNDRED THIRTY-TWO OF THE AGRICULTURE AND MARKETS LAW.

S 2. Section 331 of the agriculture and markets law, as added by chapter 328 of the laws of 1961, is amended to read as follows:

S 331. Abandonment of certain animals. An animal is deemed to be abandoned when [it] :

1. IT is placed in the custody of a veterinarian, veterinary hospital, boarding kennel owner or operator, stable owner or operator, or any other person for treatment, board, or care and:

[1.] (A) Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period and a

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

LBD17187-01-0

notice to remove the animal within ten days thereafter has been given to the person who placed the animal in such custody, by means of registered letter mailed to the last known address of such person[, or:].

[2.] (B) Having been placed in such custody for an unspecified period of time the animal is not removed within twenty days after notice to remove the animal has been given to the person who placed the animal in such custody, by means of a registered letter mailed to the last known address of such person.

[3.] (C) The giving of notice as prescribed in this section shall be deemed a waiver of any lien on the animal for the treatment, board or care of the animal but shall not relieve the owner of the animal removed of his contractual liability for such treatment, board or care furnished.

2. IT IS FOUND IN A PROPERTY THAT HAS BEEN VACATED THROUGH LEASE TERMINATION, PROPERTY FORECLOSURE OR ABANDONED BY THE TENANT OR OWNER.

S 3. This act shall take effect immediately.