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

1699

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. V. LOPEZ, ROBINSON -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to transportation of animals in a motor vehicle

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

Section 1. Legislative findings. The legislature hereby finds that animals riding unrestrained or inadequately restrained in open compartments of motor vehicles are injured and killed when they fall or jump from such vehicles, when they are thrown from the vehicle and hit by oncoming traffic, and when they are strangled or dragged beneath the vehicle in which they were travelling. In addition to the obvious safety threat to animals posed by this mode of transportation, animals riding in this manner pose a substantial threat to the safety of drivers and passengers in other vehicles, as well as pedestrians. An animal that jumps or is thrown from a motor vehicle creates a traffic hazard which even the most careful and astute driver may be unable to avoid. Drivers and passengers can be injured or killed when an animal ejected from another vehicle hits their windshield or forces them to drive in an erratic fashion to avoid a collision. Pedestrians are at obvious risk as well as vulnerable victims of these sorts of traffic disturbances.

S 2. The vehicle and traffic law is amended by adding a new section 1222-a to read as follows:

S 1222-A. TRANSPORTATION OF ANIMALS; ENCLOSURE AND RESTRAINT. 1. NO PERSON SHALL OPERATE A MOTOR VEHICLE ON A PUBLIC HIGHWAY WHILE TRANSPORTING AN ANIMAL IN AN OPEN, UNCOVERED AREA OF SUCH VEHICLE WHEN SUCH AREA IS INTENDED FOR ANY LOAD, UNLESS:

(A) SUCH AREA IS ENTIRELY ENCLOSED WITH SIDE AND TAIL RACKS TO A HEIGHT SUFFICIENT TO ENSURE THAT THE ANIMAL CANNOT FALL, BE THROWN OR JUMP FROM THE MOTOR VEHICLE, BUT IN NO CASE SHALL SUCH RACK BE LESS THAN

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

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FORTY-SIX INCHES EXTENDING VERTICALLY FROM THE FLOOR OF THE OPEN AREA TO THE TOP OF THE RACKS; OR

(B) SUCH ANIMAL IS SECURED IN A CAGE OR OTHER CONTAINER WHICH PROVIDES SUFFICIENT VENTILATION, PROTECTION FROM THE ELEMENTS AND ADEQUATE SPACE TO ENSURE THE SAFETY AND COMFORT OF THE ANIMAL, AND THAT PREVENTS SUCH ANIMAL FROM BEING THROWN, FALLING FROM OR JUMPING FROM THE MOTOR VEHICLE. SUCH CAGE OR CONTAINER SHALL BE SECURED TO THE MOTOR VEHICLE IN SUCH A MANNER AS TO PREVENT IT FROM FALLING FROM SUCH VEHICLE OR FROM MOVING IN SUCH VEHICLE IN A MANNER WHICH CREATES A SUBSTANTIAL RISK OF INJURY TO THE ANIMAL TRANSPORTED THEREIN.

2. ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE PUNISHED BY A CIVIL FINE OF NOT LESS THAN TWENTY-FIVE NOR MORE THAN SEVENTY-FIVE DOLLARS.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.