

S. 6418

A. 8563

S E N A T E - A S S E M B L Y

January 22, 2014

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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the penalties for the confinement of companion animals in vehicles at times of extreme temperature

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 [plac-
- 7 es] MAY PLACE the companion animal in imminent danger of death or seri-
- 8 ous physical 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 may take necessary steps to remove the
- 12 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 removing an animal or animals from
- 15 a vehicle pursuant to this section shall place a written notice on or in
- 16 the vehicle, bearing the name of the officer or agent, and the depart-
- 17 ment or agency and address where the animal or animals will be taken.
- 18 4. An animal or animals removed from a vehicle pursuant to this
- 19 section shall, after receipt of any necessary emergency veterinary
- 20 treatment, be delivered to the duly incorporated humane society or soci-
- 21 ety for the prevention of cruelty to animals, or designated agent there-
- 22 of, in the jurisdiction where the animal or animals were seized.
- 23 5. Any person who [knowingly] violates the provisions of subdivision
- 24 one of this section shall be guilty of a violation, punishable by a fine

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

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1 of not less than TWO HUNDRED fifty dollars nor more than [one] FIVE
2 hundred dollars for a first offense, and a fine of not less than [one]
3 FIVE hundred dollars nor more than [two hundred and fifty] ONE THOUSAND
4 dollars for a second and subsequent offenses.
5 6. Officers shall not be held criminally or civilly liable for actions
6 taken reasonably and in good faith in carrying out the provisions of
7 this section.
8 7. Nothing contained in this section shall be construed to affect any
9 other protections afforded to companion animals under any other
10 provisions of this article.
11 S 2. This act shall take effect immediately.