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

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I N S E N A T E

May 15, 2014

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Infrastructure and Capital Investment

AN ACT to amend chapter 154 of the laws of 1921, relating to the port authority of New York and New Jersey, in relation to authorizing domestic companion animals be permitted to board any public transportation or public transportation service in the event of a state of emergency and evacuation of a region

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

Section 1. Section 1 of chapter 154 of the laws of 1921, relating to the port authority of New York and New Jersey, is amended by adding a new article VII-B to read as follows:

ARTICLE VII-B

1. A. FOR THE PURPOSES OF THIS ARTICLE:

(I) "DOMESTIC COMPANION ANIMAL" MEANS A COMPANION ANIMAL OR PET AS DEFINED IN SECTION THREE HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW AND SHALL ALSO MEAN ANY OTHER DOMESTICATED ANIMAL NORMALLY MAINTAINED IN OR NEAR THE HOUSEHOLD OF THE OWNER OR PERSON WHO CARES FOR SUCH OTHER DOMESTICATED ANIMAL. "PET" OR "COMPANION ANIMAL" SHALL NOT INCLUDE A "FARM ANIMAL," AS DEFINED IN SECTION THREE HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW.

(II) "PUBLIC TRANSPORTATION OR PUBLIC TRANSPORTATION SERVICE" MEANS RAIL PASSENGER SERVICE, MOTORBUS REGULAR ROUTE SERVICE, PARATRANSIT SERVICE, MOTORBUS CHARTER SERVICE, AND FERRY PASSENGER SERVICE.

B. (I) IN THE EVENT THAT A STATE OF EMERGENCY HAS BEEN DECLARED AND AN EVACUATION OF ANY REGION OF THE STATE IS IN PROGRESS, THE OWNER OF A DOMESTIC COMPANION ANIMAL SHALL BE PERMITTED TO BOARD ANY PUBLIC TRANSPORTATION OR PUBLIC TRANSPORTATION SERVICE WITH THE DOMESTIC COMPANION ANIMAL SO LONG AS THAT ANIMAL IS UNDER THE OWNER'S CONTROL BY USE OF A LEASH OR TETHER, OR IS PROPERLY CONFINED IN AN APPROPRIATE CONTAINER OR BY OTHER SUITABLE MEANS, PROVIDED THAT SUCH BOARDING IS AUTHORIZED BY AND CONSISTENT WITH THE PROVISIONS OF STATE DISASTER EMERGENCY PLANS OR LOCAL STATE OF EMERGENCY PLANS PERTAINING TO THE NEEDS OF ANIMALS AND

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

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INDIVIDUALS WITH AN ANIMAL UNDER THEIR CARE. THE PROVISIONS OF THIS ARTICLE SHALL ONLY APPLY TO THE OWNERS OF DOMESTIC COMPANION ANIMALS WHO ARE EVACUATING FROM A REGION OF THE STATE AFFECTED BY THE EMERGENCY OR LOCAL DISASTER EMERGENCY AS DEFINED IN SECTION TWENTY OF THE EXECUTIVE LAW, OR A LOCAL STATE OF EMERGENCY, AS DEFINED IN SECTION TWENTY-FOUR OF THE EXECUTIVE LAW.

(II) A DOMESTIC COMPANION ANIMAL MAY BE REFUSED PERMISSION TO BOARD ANY PUBLIC TRANSPORTATION OR PUBLIC TRANSPORTATION SERVICE, EVEN IF THE ANIMAL IS UNDER THE OWNER'S CONTROL OR PROPERLY CONFINED IN ACCORDANCE WITH THIS PARAGRAPH IF THERE IS REASONABLE CAUSE TO BELIEVE THAT, DUE TO ATTENDANT CIRCUMSTANCES, PERMITTING THE ANIMAL TO BOARD WOULD POSE A HEALTH OR SAFETY HAZARD.

C. ALL PASSENGERS WITH SERVICE ANIMALS SHALL BE GIVEN PRIORITY SEATING ON ALL MEANS OF TRANSPORTATION REGULATED BY THIS ARTICLE IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990" (42 U.S.C. S.12101 ET SEQ.). FOR THE PURPOSES OF THIS ARTICLE, "SERVICE ANIMAL" SHALL HAVE THE SAME MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990" (42 U.S.C. S.12101 ET SEQ.) AND ANY REGULATIONS UNDER THE ACT.

D. ALL PASSENGERS ON ANY PUBLIC TRANSPORTATION OR PUBLIC TRANSPORTATION SERVICE SHALL BE PROVIDED SEATING BEFORE A DOMESTIC COMPANION ANIMAL MAY BE PLACED IN A SEAT.

2. THE PORT AUTHORITY IS HEREBY AUTHORIZED TO MAKE AND ENFORCE SUCH RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE.

S 2. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect; but if the state of New Jersey shall have already enacted such legislation, then this act shall take effect immediately and provided that the state of New Jersey shall notify the legislative bill drafting commission upon the occurrence of the enactment of the provisions provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.