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

3321

2015-2016 Regular Sessions

I N S E N A T E

February 5, 2015

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

AN ACT to amend the public authorities law, in relation to authorizing domestic companion animals to be permitted to board any commuter transportation operated by the metropolitan transportation authority or any of its subsidiaries in the event of a state 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. The public authorities law is amended by adding a new section 1264-a to read as follows:

S 1264-A. STATE OF EMERGENCY; BOARDING OF A COMMUTER TRANSPORTATION BY DOMESTIC COMPANION ANIMALS. 1. FOR THE PURPOSES OF THIS SECTION:

(A) "COMMUTER TRANSPORTATION" MEANS COMMUTER TRANSPORTATION, AND OTHER RELATED SERVICES AND FACILITIES, OPERATED BY THE AUTHORITY OR ANY OF ITS SUBSIDIARIES, INCLUDING BUT NOT LIMITED TO SUCH TRANSPORTATION BY RAILROAD, OMNIBUS, MARINE AND AIR, IN ACCORDANCE WITH THIS TITLE.

(B) "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.

2. (A) 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 COMMUTER TRANSPORTATION WITH SUCH 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

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

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

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

3. ALL PASSENGERS WITH SERVICE ANIMALS SHALL BE GIVEN PRIORITY SEATING ON ALL MEANS OF TRANSPORTATION REGULATED BY THIS TITLE IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990" (42 U.S.C. S.12101 ET SEQ.). FOR THE PURPOSES OF THIS SECTION, "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 SUCH ACT.

4. ALL PASSENGERS ON ANY COMMUTER TRANSPORTATION SHALL BE PROVIDED SEATING BEFORE A DOMESTIC COMPANION ANIMAL MAY BE PLACED IN A SEAT.

5. THE AUTHORITY IS AUTHORIZED TO PROMULGATE AND ENFORCE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.