

7715--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 26, 2015

Introduced by M. of A. CERETTO, CURRAN, TEDISCO, RAIA, PALUMBO, JOHNS, SKOUFIS, GALEF, TITONE, LAWRENCE, MURRAY -- Multi-Sponsored by -- M. of A. KEARNS, McDONOUGH -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to the confinement of companion animals in vehicles in extreme temperatures

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 places
7 the companion animal in imminent danger of death or serious physical
8 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] PERSON may take necessary steps to
12 remove the animal or animals from the vehicle. NECESSARY STEPS SHALL
13 INCLUDE:
14 (A) CHECKING TO SEE IF ANY OF THE DOORS TO THE VEHICLE ARE UNLOCKED;
15 (B) MAKING A GOOD FAITH EFFORT TO LOCATE THE OWNER OF THE VEHICLE;
16 (C) CALLING THE POLICE OR 911; AND
17 (D) CALLING THE LOCAL ANIMAL CONTROL OFFICER OR THE HUMANE SOCIETY.
18 IF AFTER ALL THESE STEPS HAVE BEEN COMPLETED AND A PERSON DETERMINES
19 AN ANIMAL IS IN IMMINENT DANGER, HE OR SHE MAY BREAK A WINDOW TO REMOVE
20 THE ANIMAL FROM THE VEHICLE.

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

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1 3. [Police officers, peace officers or peace officers acting as agents
2 of a duly incorporated humane society] A PERSON removing an animal or
3 animals from a vehicle pursuant to this section shall place a written
4 notice on or in the vehicle, bearing the name of [the officer or agent]
5 SUCH PERSON, and the department or agency and address where the animal
6 or animals will be taken.

7 4. An animal or animals removed from a vehicle pursuant to this
8 section shall[, after receipt of any necessary emergency veterinary
9 treatment, be delivered to the duly incorporated humane society or soci-
10 ety for the prevention of cruelty to animals, or designated agent there-
11 of,] BE TURNED OVER TO THE MUNICIPALITY WHERE THE INCIDENT OCCURRED,
12 WHICH CAN THEN PLACE THE ANIMAL WITH LOCAL ANIMAL CONTROL PERSONNEL in
13 the jurisdiction where the animal or animals were seized.

14 5. Any person who knowingly violates the provisions of subdivision one
15 of this section shall be guilty of a violation, punishable by a fine of
16 not less than fifty dollars nor more than one hundred dollars for a
17 first offense, and a fine of not less than one hundred dollars nor more
18 than two hundred and fifty dollars for a second and subsequent offenses.

19 6. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF SUBDIVISION ONE
20 OF THIS SECTION SHALL BE RESPONSIBLE FOR THE COST OF ANY NECESSARY
21 VETERINARY CARE THAT RESULTS FROM SUCH VIOLATION.

22 7. ANY SUCH ANIMAL WHICH IS TURNED OVER TO THE LOCAL HUMANE SOCIETY
23 SHALL BE HELD FOR A MINIMUM OF THREE DAYS BEFORE IT IS PUT UP FOR
24 ADOPTION.

25 [6. Officers] 8. A PERSON ACTING UNDER THIS SECTION shall not be held
26 criminally or civilly liable for actions taken reasonably and in good
27 faith in carrying out the provisions of this section.

28 [7.] 9. Nothing contained in this section shall be construed to affect
29 any other protections afforded to companion animals under any other
30 provisions of this article.

31 S 2. This act shall take effect immediately.