

7102--A

I N   S E N A T E

March 28, 2016

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

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

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

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

8 5. Any person who knowingly violates the provisions of subdivision one  
9 of this section shall be guilty of a violation, punishable by a fine of  
10 not less than fifty dollars nor more than one hundred dollars for a  
11 first offense, and a fine of not less than one hundred dollars nor more  
12 than two hundred and fifty dollars for a second and subsequent offenses.

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

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

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

22 [7.] 9. Nothing contained in this section shall be construed to affect  
23 any other protections afforded to companion animals under any other  
24 provisions of this article.

25 S 2. This act shall take effect immediately.