STATE OF NEW YORK

5609

2017-2018 Regular Sessions

IN ASSEMBLY

February 10, 2017

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

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:

Section 1. Section 353-d of the agriculture and markets law, as added by chapter 586 of the laws of 2008, is amended to read as follows:

§ 353-d. Confinement of companion animals in vehicles: extreme temperatures. 1. A person shall not confine a companion animal in a motor vehicle in extreme heat or cold without proper ventilation or other protection from such extreme temperatures where such confinement places the companion animal in imminent danger of death or serious physical injury due to exposure to such extreme heat or cold. **For the purposes of this section, extreme temperatures shall be defined as any temperature lower than thirty-two degrees fahrenheit or higher than seventy degrees fahrenheit.**

2. Where the operator of such a vehicle cannot be promptly located, a [~~police officer, peace officer, or peace officer acting as an agent of a duly incorporated humane society~~] **person** may take necessary steps to remove the animal or animals from the vehicle. **Necessary steps shall include:**

(a) checking to see if any of the doors to the vehicle are unlocked;

(b) making a good faith effort to locate the owner of the vehicle; and

(c) calling the police or 911.

If after all these steps have been completed and a person determines an animal is in imminent danger, he or she may break a window to remove the animal from the vehicle.

Upon arrival at the vehicle, the responding police officer or officers shall take custody of the animal and ensure it is taken to a location designated by the municipality where the incident occurred.

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

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3. [~~Police officers, peace officers or peace officers acting as agents of a duly incorporated humane society~~] **A person** removing an animal or animals from a vehicle pursuant to this section shall place a written notice on or in the vehicle, bearing the name of [~~the officer or agent~~] **such person**, and the [~~department or agency and address~~] **location designated by the municipality** where the animal or animals will be taken **by the responding police officer or officers of the municipality where the incident occurred**.

4. An animal or animals removed from a vehicle pursuant to this section shall[~~, after receipt of any necessary emergency veterinary treatment, be delivered to the duly incorporated humane society or society for the prevention of cruelty to animals, or designated agent thereof,~~] **be turned over by the responding police officer or officers to a location designated by the municipality where the incident occurred** in the jurisdiction where the animal or animals were seized.

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

6. [~~Officers~~] **Any person who knowingly violates the provisions of subdivision one of this section shall be responsible for the cost of any necessary veterinary care that results from such violation.**

7. If the location designated by the municipality where the incident occurred is the local humane society, the animal shall be held for a minimum of three days before it is put up for adoption.

8. A person acting under this section shall not be held criminally or civilly liable for actions taken reasonably and in good faith in carrying out the provisions of this section.

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

§ 2. This act shall take effect immediately.