STATE OF NEW YORK

7415

IN SENATE

January 16, 2018

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

AN ACT to amend the general obligations law, in relation to prohibiting the leasing of companion animals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general obligations law is amended by adding a new section 5-336 to read as follows:

§ 5-336. Pet leasing. 1. (a) Except as provided in paragraph (b) of this subdivision, a contract to transfer ownership of a companion animal in which ownership is contingent upon a lease or upon the making of payments over a period of time subsequent to the transfer of possession of the animal is void as against public policy.

(b) The provisions of this subdivision shall not apply to payments to repay an unsecured loan for the purchase of a companion animal.

2. A contract entered into for the lease of a companion animal that provides for or offers the option of transferring ownership of the animal at the end of the lease term is void as against public policy.

3. In addition to any other remedies provided by law, the consumer taking possession of a companion animal transferred under a contract described in paragraph (a) of subdivision one or in subdivision two of this section shall be deemed the owner of the animal and shall also be entitled to the return of all amounts the consumer paid under the contract.

4. "Companion animal" means any dog, cat or other domesticated animal normally maintained in or near the household of the owner or person who cares for such other animal. "Companion animal" shall not include a "farm animal" as defined in section three hundred fifty of the agriculture and markets law.

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

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

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