STATE OF NEW YORK

S. 3954--A A. 4029--A

2017-2018 Regular Sessions

SENATE - ASSEMBLY

January 31, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, CAHILL, CRESPO, ENGLEBRIGHT, McDONOUGH, MONTESANO, MORINELLO, MURRAY, TITONE, RAIA, L. ROSENTHAL, SKOUFIS, D'URSO, LUPARDO -- Multi-Sponsored by -- M. of A. BLAKE, COOK, GALEF, JAFFEE, B. MILLER, MOSLEY, SIMON -- 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 unattended motor vehicles under conditions that endanger the health or well-being of an animal

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 ~~or~~ to such extreme heat or cold.

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**, paid firefighter, or a volunteer firefighter who in the performance of such volunteer firefighter's**

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

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duties is directed to respond to a call for assistance for such animal may take necessary steps to remove the animal or animals from the vehicle.

3. Police officers, peace officers [~~or~~], peace officers acting as agents of a duly incorporated humane society**, paid firefighter, or a volunteer firefighter who in the performance of such volunteer firefighter's duties is directed to respond to a call for assistance for such animal** 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, and the department or agency and address **and other contact information, if available,** where the animal or animals will be taken.

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, 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 **and firefighters** 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. 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.