STATE OF NEW YORK

7415--A

IN SENATE

January 16, 2018

Introduced by Sens. MARCELLINO, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the general obligations law, in relation to certain lease agreements concerning dogs and cats

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

Section 1. The general business law is amended by adding a new section 753-e to read as follows:

§ 753-e. Prohibited contracts. No pet dealer licensed and inspected pursuant to article twenty-six-A of the agriculture and markets law shall execute or facilitate the execution of any contract or agreement deemed void as against public policy and wholly unenforceable pursuant to section 5-336 of the general obligations law.

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

§ 5-336. Pet leasing. 1. Any contract or agreement executed to transfer ownership of a dog or cat whereby ownership is contingent upon the making of payments over a period of time subsequent to the transfer of possession of such dog or cat shall be void as against public policy and wholly unenforceable, provided however, that this subdivision shall not apply to payments to repay an unsecured loan for the purchase of the dog or cat.

2. Any contract or agreement executed for the lease of a dog or cat that provides for or offers the option of transferring ownership of such dog or cat at the end of the lease term shall be void as against public policy and wholly unenforceable.

3. In addition to any other remedy provided by law, any person taking possession of a dog or cat transferred to such person under any contract or agreement executed pursuant to subdivisions one or two of this section shall be deemed the owner of such dog or cat and shall also be entitled to reimbursement of all amounts paid by such person for such dog or cat pursuant to such contract.

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

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

LBD14227-02-8