STATE OF NEW YORK

8006

IN SENATE

March 19, 2018

Introduced by Sen. ALCANTARA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to pet passenger rights

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

Section 1. Short title. This act shall be known and may be cited as "Kokito's Law".

§ 2. The general business law is amended by adding a new article 14-A to read as follows:

ARTICLE 14-A
PET PASSENGER RIGHTS

Section 251-d. Definitions.
251-e. Pet passenger bill of rights.
251-f. Violations and penalties.
251-g. Limitations.
251-h. Severability.

§ 251-d. Definitions. For purposes of this article:

1. "Companion animal" or "pet" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal.

2. "Carrier" means any partnership, corporation or other business entity regulated by the Federal Aviation Administration that conducts scheduled passenger air transportation.

§ 251-e. Pet passenger bill of rights. 1. Whenever a companion animal or pet is traveling in the passenger compartment of an aircraft, the carrier shall ensure:

(a) no animal is ever placed in the overhead compartment of an aircraft;

(b) any passenger traveling with a pet is afforded the same rights and protections as all other passengers;

(c) pets are allowed reasonable access to food, water and necessary medications during any long flight or extended flight delay; and

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

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(d) all companion animals and their approved pet carriers are labelled with owner contact information and destination at all times.

2. Whenever a companion animal or pet is traveling in the cargo compartment of an aircraft, the carrier shall ensure:

(a) a pressurized, ventilated and climate-controlled environment at all times;

(b) all pets are safely secured at all times;

(c) reasonable efforts, such as late boarding and prompt removal, to minimize the amount of time spent in the cargo compartment when possible; and

(d) all companion animals and their approved pet carriers are labelled with owner contact information and destination at all times.

3. Whenever a companion animal or pet is being handled or transported on the ground, the carrier shall ensure:

(a) secure, climate-controlled transport in all weather conditions, including protection from rain, snow, sunlight and extreme temperatures;

(b) adequate food, water, shelter, sanitation and supervision to accommodate pets during long connection times or extended periods on the ground; and

(c) all companion animals and their approved pet carriers are labelled with owner contact information and destination at all times.

4. All carriers shall provide training in the safe and humane transport of companion animals to their employees or contractors assigned or reasonably expected to handle or encounter companion animals in the performance of their duties.

5. All carriers shall make available to consumers clear and conspicuous notice of these protections at the time of ticketing. Notice of these protections shall also be displayed at all service desks and in other locations where companion animals are boarded.

§ 251-f. Violations and penalties. The attorney general is authorized to enforce the provisions of this article and may, upon his or her own initiative, or in response to a complaint, investigate allegations of any failure to comply with the provisions hereof. Any person or entity that knowingly violates this article shall be subject to a fine of up to five thousand dollars for each violation.

§ 251-g. Limitations. Nothing in this article shall be construed as requiring any carrier or other entity to take any action in contravention of any written directive of the Federal Aviation Administration or other federal agency having jurisdiction over such entity.

§ 251-h. Severability. If any clause, sentence, paragraph, section or part of this article be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof but shall be applied in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.