

# STATE OF NEW YORK

S. 5054

A. 7053

2019-2020 Regular Sessions

## SENATE - ASSEMBLY

April 4, 2019

IN SENATE -- Introduced by Sens. LAVALLE, MARTINEZ, BOYLE, BROOKS, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare

IN ASSEMBLY -- Introduced by M. of A. THIELE, CAHILL, CRESPO, ENGLE-BRIGHT, McDONOUGH, MONTESANO, MORINELLO, RAIA, L. ROSENTHAL, D'URSO, LUPARDO, FERNANDEZ -- Multi-Sponsored by -- M. of A. BLAKE, COOK, GALEF, JAFFEE, B. MILLER, MOSLEY, SIMON -- 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 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:

1 Section 1. Section 353-d of the agriculture and markets law, as added  
2 by chapter 586 of the laws of 2008, is amended to read as follows:  
3 § 353-d. Confinement of companion animals in vehicles: extreme temper-  
4 atures. 1. A person shall not confine a companion animal in a motor  
5 vehicle in extreme heat or cold without proper ventilation or other  
6 protection from such extreme temperatures where such confinement places  
7 the companion animal in imminent danger of death or serious physical  
8 injury due to exposure to such extreme heat or cold.  
9 2. Where the operator of such a vehicle cannot be promptly located, a  
10 police officer, peace officer, [~~ex~~] peace officer acting as an agent of  
11 a duly incorporated humane society, emergency medical services person-  
12 nel, paid firefighter, or volunteer firefighter who in the performance  
13 of such volunteer firefighter's duties are directed to respond to a call  
14 for assistance for such animal may take necessary steps to remove the  
15 animal or animals from the vehicle.  
16 3. Police officers, peace officers [~~ex~~], peace officers acting as  
17 agents of a duly incorporated humane society, emergency medical services

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

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1 personnel, paid firefighters, or volunteer firefighters who in the  
2 performance of such volunteer firefighters' duties or emergency medical  
3 services personnel are directed to respond to a call for assistance for  
4 such animal removing an animal or animals from a vehicle pursuant to  
5 this section shall place a written notice on or in the vehicle, bearing  
6 the name of the officer or agent, and the department or agency and  
7 address and other contact information, if available, where the animal or  
8 animals will be taken.

9 4. An animal or animals removed from a vehicle pursuant to this  
10 section shall, after receipt of any necessary emergency veterinary  
11 treatment, be delivered to the duly incorporated humane society or soci-  
12 ety for the prevention of cruelty to animals, or designated agent there-  
13 of, in the jurisdiction where the animal or animals were seized.

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

19 6. Officers, emergency medical services personnel and firefighters  
20 shall not be held criminally or civilly liable for actions taken reason-  
21 ably and in good faith in carrying out the provisions of this section.

22 7. Nothing contained in this section shall be construed to affect any  
23 other protections afforded to companion animals under any other  
24 provisions of this article.

25 § 2. This act shall take effect immediately.