

STATE OF NEW YORK

4464

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. MORINELLO, SAYEGH, DeSTEFANO, BRABENEC, McDO-
NOUGH, B. MILLER, DiPIETRO, MIKULIN, SALKA -- Multi-Sponsored by -- M.
of A. MANKTELOW, WALSH -- 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 vehicles in extreme temperatures

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

Section 1. Section 353-d of the agriculture and markets law, as added
by chapter 137 of the laws of 2019, is amended to read as follows:

§ 353-d. Confinement of companion animals in vehicles: extreme temper-
atures. 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 such extreme heat or cold. For the purposes
of this section, extreme temperatures shall be defined as any temper-
ature lower than thirty-two degrees fahrenheit or higher than seventy
degrees fahrenheit.

2. Where the operator of such a vehicle cannot be promptly located, a
[~~police officer, peace officer, peace officer acting as an agent of a
duly incorporated humane society, emergency medical services personnel,
paid firefighter, or volunteer firefighter who in the performance of
such volunteer firefighter's duties are directed to respond to a call
for assistance for such animal~~] person may take necessary steps to
remove the animal or animals from the vehicle. Necessary steps shall
include:

- (a) checking to see if any of the doors to the vehicle are unlocked;
- (b) making a good faith effort to locate the owner of the vehicle; and
- (c) calling the police or 911.

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

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1 If after all these steps have been completed and a person determines
2 an animal is in imminent danger, he or she may break a window to remove
3 the animal from the vehicle.

4 Upon arrival at the vehicle, the responding police officer or officers
5 shall take custody of the animal and ensure it is taken to a location
6 designated by the municipality where the incident occurred.

7 3. [~~Police officers, peace officers, peace officers acting as agents~~
8 ~~of a duly incorporated humane society, emergency medical services~~
9 ~~personnel, paid firefighters, or volunteer firefighters who in the~~
10 ~~performance of such volunteer firefighters' duties or emergency medical~~
11 ~~services personnel are directed to respond to a call for assistance for~~
12 ~~such animal] A person removing an animal or animals from a vehicle
13 pursuant to this section shall place a written notice on or in the vehi-
14 cle, bearing the name of [~~the officer or agent, and the department or~~
15 ~~agency and address] such person and the location designated by the muni-
16 cipality and other contact information, if available, where the animal
17 or animals will be taken by the responding police officer or officers of
18 the municipality where the incident occurred.~~~~

19 4. An animal or animals removed from a vehicle pursuant to this
20 section shall[, ~~after receipt of any necessary emergency veterinary~~
21 ~~treatment, be delivered to the duly incorporated humane society or soci-~~
22 ~~ety for the prevention of cruelty to animals, or designated agent there-~~
23 ~~of,] be turned over by the responding the police officer or officers to
24 a location designated by the municipality where the incident occurred in
25 the jurisdiction where the animal or animals were seized.~~

26 5. Any person who knowingly violates the provisions of subdivision one
27 of this section shall be guilty of a violation, punishable by a fine of
28 not less than fifty dollars nor more than one hundred dollars for a
29 first offense, and a fine of not less than one hundred dollars nor more
30 than two hundred and fifty dollars for a second and subsequent offenses.

31 6. [~~Officers, emergency medical services personnel and firefighters]~~
32 Any person who knowingly violates the provisions of subdivision one of
33 this section shall be responsible for the cost of any necessary veteri-
34 nary care that results from such violation.

35 7. If the location designated by the municipality where the incident
36 occurred is the local humane society, the animal shall be held for a
37 minimum of three days before it is put up for adoption.

38 8. A person acting under this section shall not be held criminally or
39 civilly liable for actions taken reasonably and in good faith in carry-
40 ing out the provisions of this section.

41 [~~7.~~] 9. Nothing contained in this section shall be construed to affect
42 any other protections afforded to companion animals under any other
43 provisions of this article.

44 § 2. This act shall take effect immediately.