

**HOUSE . . . . . No. 1273**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Lori A. Ehrlich***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to Protect the Health and Safety of Animals in Cars.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>

<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>

<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

**HOUSE . . . . . No. 1273**

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By Ms. Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 1273) of Lori A. Ehrlich and others relative to confining animals in a motor vehicle. The Judiciary.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act to Protect the Health and Safety of Animals in Cars.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 272 of the Massachusetts General Laws is hereby amended by inserting, after  
2 Section 77B, the following new section:

3 Section 77C:

4 (a) No owner or person shall confine an animal in a motor vehicle in a manner that could  
5 reasonably be expected to threaten the health of the animal due to exposure to extreme heat or  
6 cold. without proper ventilation or other protection from such heat or cold.

7 (b) In order to protect the health and safety of an animal, an animal control officer, law  
8 enforcement officer or fire fighter who has probable cause to believe that this section is being  
9 violated shall have the authority to enter such motor vehicle by any reasonable means necessary  
10 under the circumstances, after making a reasonable effort under the circumstances to locate the  
11 owner or other responsible person. A law enforcement officer or animal control officer may enter

12 the motor vehicle for the sole purpose of release of the animal and may not search the vehicle  
13 unless otherwise permitted by law.

14 (c) An animal control officer, law enforcement or fire fighter animal control officer who  
15 removes an animal in accordance with this section shall, in a secure and conspicuous location on  
16 or within the motor vehicle, leave written notice bearing the officer's or agent's name and office,  
17 and the address of the location where the animal may be retrieved. The owner may retrieve the  
18 animal only after payment of all charges that have accrued for the maintenance, care, medical  
19 treatment, and impoundment of the animal.

20 (d) A law enforcement or animal control officer who removes an animal from a motor  
21 vehicle pursuant to this section is immune from criminal or civil liability that might otherwise  
22 result from the removal.

23 (e) A law enforcement or animal control officer may seek a complaint against the owner  
24 or keeper of an animal who is found to have violated the provisions of this section. This section  
25 shall be subject to enforcement under the provisions of section 21D of Chapter 40.

26 1. The penalty for the first violation shall be \$75;

27 2. The penalty for the second violation shall be \$100 dollars;

28 3. The penalty for the third and each subsequent violation shall be \$300.

29 (f) Nothing in this section shall preclude prosecution for a violation of section 77 of  
30 Chapter 272 of the Massachusetts General Laws.