

SENATE No. 878

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 health and safety of animals in vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>

<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

SENATE No. 878

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 878) of Mark C. Montigny, Jason M. Lewis, Michael O. Moore, James B. Eldridge and other members of the General Court for legislation to protect health and safety of animals in vehicles. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to protect health and safety of animals in vehicles.

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

1 (a) No owner or person shall confine an animal in a motor vehicle in a manner that could
2 reasonably be expected to threaten the health of the animal due to exposure to extreme heat or
3 cold.

4 (b) In order to protect the health and safety of an animal, an animal control officer, law
5 enforcement officer or fire fighter who has probable cause to believe that this section is being
6 violated shall have the authority to enter such motor vehicle by any means necessary under the
7 circumstances, after making a reasonable effort under the circumstances to locate the owner or
8 other responsible person. A law enforcement officer or animal control officer may enter the
9 motor vehicle for the sole purpose of release of the animal and may not search the vehicle unless
10 otherwise permitted by law.

11 (c) An animal control officer, law enforcement or fire fighter who removes an animal in
12 accordance with this section shall, in a secure and conspicuous location on or within the motor

13 vehicle, leave written notice bearing the officer's or agent's name and office, and the address of
14 the location where the animal may be retrieved. The owner may retrieve the animal only after
15 payment of all charges that have accrued for the maintenance, care, medical treatment, and
16 impoundment of the animal.

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

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

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

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

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

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