

# SENATE BILL REPORT

## SB 6151

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As of January 20, 2020

**Title:** An act relating to liability for entry into a motor vehicle to remove an animal.

**Brief Description:** Concerning liability for entry into a motor vehicle to remove an animal.

**Sponsors:** Senators Salomon, Mullet, Pedersen, Carlyle, Keiser, Hunt, Das and Kuderer.

**Brief History:**

**Committee Activity:** Law & Justice: 1/16/20.

### Brief Summary of Bill

- Adds leaving an animal in an enclosed space or motor vehicle in circumstances reasonably expected to cause suffering, disability, or the animal's death, to the current criteria for a class 2 civil infraction.
- Includes firefighters and other emergency responders as officers authorized to forcibly remove an at-risk animal from a confined space or vehicle, and immunizes them from property damage liability.
- Allows a non-first responder to enter a vehicle and retrieve an at-risk animal based on their reasonable belief the animal faces imminent danger of serious harm.
- Grants immunity to the non-first responder from criminal and property damage liability for their reasonable, good faith actions if they satisfy specified criteria while retrieving an at-risk animal.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** In 2015, leaving or confining any animal in a motor vehicle or enclosed space became a class 2 civil offense if the animal could be harmed or killed by exposure to excessive heat, cold, lack of ventilation, or lack of necessary water. A person could also face conviction for other animal cruelty offenses related to an animal's confinement. The maximum penalty and default amount for a class 2 civil infraction is \$125, not including statutory assessments. The 2015 bill also authorized an animal control or law enforcement

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officer to enter a vehicle or space to remove an animal when the officer reasonably believed the animal was suffering, or likely to suffer, harm from excessive heat, cold, lack of ventilation or lack of water. In such circumstances, the law grants immunity to the officer and their employing agency for property damage to a vehicle.

Approximately 30 states have similar laws, although the penalties imposed, and the circumstances allowing rescue, vary among states. In a 2019 amendment, New York added fire and medical first responders to the authorized officers who can enter a vehicle to rescue an animal. The amendment's purpose was avoiding delay caused by the prior law, when first responders at the scene had the equipment needed to retrieve an at-risk animal, but were required to wait for law enforcement or animal control to arrive before acting.

Fifteen states now allow any person to rescue an at-risk animal from a vehicle—AZ, CA, CO, CT, DE, FL, IN, KS, LA, MA, OH, OR, TN, VT, and WI. Most states that allow rescue also limit the rescuer's civil or criminal liability if they follow specific steps when forcing entry to retrieve an animal. For example, the rescuer must make sure the vehicle is locked or inaccessible, call 911 or local police, leave a note indicating the rescued animal's location, or remain at the scene until authorities arrive.

**Summary of Bill:** Leaving or confining an animal unattended in a motor vehicle or enclosed space is a class 2 civil infraction if the animal's circumstances are reasonably expected to cause the animal's suffering, disability, or death. Firefighters and other emergency responders, in addition to law enforcement or animal control officers, are authorized to enter a vehicle or enclosed space by any means reasonable under the circumstances to remove an animal that is suffering or likely to suffer harm from excessive heat, cold, or lack of ventilation or water.

Any person who is not an emergency responder may take reasonable steps to remove an animal from a motor vehicle based on their reasonable belief that the animal's safety is in imminent danger of serious harm. A person who enters a vehicle and removes an animal is not criminally liable for reasonable, good faith actions and not liable for property damage to the vehicle, if the person:

- determines the vehicle is locked or there is no other way to remove the animal;
- believes in good faith that forcible entry into the vehicle is necessary because the animal is in imminent danger of suffering serious harm if the animal is not immediately removed from the vehicle;
- makes a good faith effort to contact local law enforcement, animal control, the fire department, or 911 before forcibly entering the vehicle;
- places a note on the vehicle's windshield with their contact information, their reason for entering and removing the animal, and the animal's location;
- uses only necessary force to enter and remove the animal;
- remains with the animal in a safe, nearby location, until emergency responders arrive; and
- turns the animal over to the emergency responders when they arrive.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill allows a private citizen to enter a car to save an animal, but with an increased threshold that obligates the rescuer to take specific steps to ensure the entry is necessary and reasonable. From the viewpoint of an emergency veterinarian with over 20 years experience caring for animals that are seriously injured by being confined in a vehicle, I see that few people understand the risk and harm they cause when they leave a pet in the car. The temperature in a vehicle escalates quickly, in just minutes, even on a relatively cool day. People are surprised and uninformed about this danger. They think that cracking a window is enough, or parking in shade is enough, but it is not. I treated the pets of a colleague whose spouse left their two dogs in the car for just a few minutes. One survived, one did not, but both suffered. Being enclosed in a hot car is a terrible way to die. Even if the animal survives, the medical bills for treating the animal can be very high. We need to let regular people act if they see that an animal is in danger of dying.

**Persons Testifying:** PRO: Senator Jesse Salomon, Prime Sponsor; Carollynn Zimmers, Veterinarian.

**Persons Signed In To Testify But Not Testifying:** No one.