

HOUSE BILL 679

R7

6lr1853

By: **Delegates Cluster, Kittleman, Malone, and Rose**

Introduced and read first time: February 4, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Cats and Dogs Left Unattended – Authorized Removal**

3 FOR the purpose of authorizing a person to use reasonable force to remove an unattended
4 cat or dog from a motor vehicle under certain circumstances and provided that
5 certain conditions are met; and generally relating to the authorized removal of cats
6 and dogs left unattended in motor vehicles.

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 21–1004.1

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2015 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Transportation**

15 21–1004.1.

16 (a) A person may not leave a cat or dog unattended in a standing or parked motor
17 vehicle in a manner that endangers the health or safety of the cat or dog.

18 (b) Except as provided in subsection (c) of this section, a person may use
19 reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation
20 of the provisions of subsection (a) of this section if the person is:

21 (1) A law enforcement officer;

22 (2) A public safety employee of the State or of a local governing body;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) An animal control officer under the jurisdiction of the State or a local
2 governing body;

3 (4) An officer of a society or association, incorporated under the laws of this
4 State for the prevention of cruelty to animals, authorized to make arrests under the
5 provisions of § 10–609 of the Criminal Law Article; or

6 (5) A volunteer or professional of a fire and rescue service.

7 (c) A person may not use force of any kind to remove from a motor vehicle:

8 (1) A dog used by the State or a local governing body for police work while
9 the dog is on duty; or

10 (2) A cat or dog in the custody of an animal control officer.

11 (d) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON**
12 **WHO IS NOT COVERED BY SUBSECTION (B) OF THIS SECTION MAY USE REASONABLE**
13 **FORCE TO REMOVE A CAT OR DOG LEFT UNATTENDED IN A STANDING MOTOR**
14 **VEHICLE IN VIOLATION OF SUBSECTION (A) OF THIS SECTION IF THE PERSON:**

15 (1) **REASONABLY BELIEVES THAT THE HEALTH OR SAFETY OF THE**
16 **CAT OR DOG IS IMMINENTLY ENDANGERED BY CONTINUING TO REMAIN IN THE**
17 **MOTOR VEHICLE;**

18 (2) **CONTACTS A LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT,**
19 **OR 9–1–1 DISPATCHER PRIOR TO USING FORCE TO REMOVE THE CAT OR DOG FROM**
20 **THE MOTOR VEHICLE;**

21 (3) **LEAVES WRITTEN NOTICE IN THE VEHICLE CONTAINING:**

22 (I) **THE PERSON’S NAME AND CONTACT INFORMATION;**

23 (II) **THE REASON FOR ENTERING THE MOTOR VEHICLE; AND**

24 (III) **INFORMATION REGARDING THE LAW ENFORCEMENT**
25 **AGENCY, FIRE DEPARTMENT, OR 9–1–1 DISPATCH THAT HAS BEEN CONTACTED; AND**

26 (4) **REMAINS WITH THE CAT OR DOG IN A SAFE LOCATION NEAR THE**
27 **MOTOR VEHICLE UNTIL THE ARRIVAL OF LAW ENFORCEMENT OR THE FIRE**
28 **DEPARTMENT.**

29 (E) A person described in [subsection] **SUBSECTIONS (b) OR (D)** of this section
30 may not be held liable for any damages directly resulting from actions taken under the
31 provisions of [subsection] **SUBSECTIONS (b) OR (D)** of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.