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By: **Delegates Jennings, Barve, Bobo, Cane, V. Clagett, Cluster, Frush,  
Fulton, Glassman, Hogan, Holmes, McConkey, McIntosh, Montgomery,  
Smigiel, Sossi, Stern, Stull, and Weir**

Introduced and read first time: February 8, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Improper Transport of Horses - Prohibitions**

3 FOR the purpose of prohibiting a person from transporting a horse if the horse meets  
4 certain criteria, except under certain circumstances; prohibiting a person from  
5 transporting a horse in a vehicle that is not constructed in a manner that at all  
6 times protects the health and well-being of the horse being transported;  
7 establishing certain criteria for finding that a vehicle is suitable for transporting  
8 a horse; providing that it is a misdemeanor to transport a horse in violation of  
9 this Act; establishing certain penalties; authorizing a police officer to seize  
10 certain horses and a certain vehicle at the time of arrest for a certain violation;  
11 requiring seized horses to be taken to a location equipped to handle their care  
12 and treatment; authorizing the owner of certain horses and a certain vehicle to  
13 file a petition for the return of the horses and vehicle within a certain period of  
14 time; requiring a person who files a certain petition to also post a certain bond;  
15 requiring certain horses and a certain vehicle to be forfeited to the State if a  
16 certain petition is not filed and a certain bond is not posted; defining certain  
17 terms; and generally related to the improper transport of horses.

18 BY adding to  
19 Article - Criminal Law  
20 Section 10-623  
21 Annotated Code of Maryland  
22 (2002 Volume and 2004 Supplement)

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

1

**Article - Criminal Law**

2 10-623.

3 (A) IN THIS SECTION, "TRANSPORT" MEANS TO CARRY A HORSE, CAUSE A  
4 HORSE TO BE CARRIED, OR ALLOW A HORSE TO BE CARRIED IN A VEHICLE ON A  
5 HIGHWAY IN THE STATE.

6 (B) (1) UNLESS THE HORSE IS BEING TRANSPORTED TO A HOSPITAL  
7 FACILITY OR VETERINARY CLINIC, A PERSON MAY NOT TRANSPORT A HORSE IF THE  
8 HORSE:

9 (I) IS UNABLE TO BEAR WEIGHT ON ALL FOUR LIMBS OR WALK  
10 UNASSISTED;

11 (II) IS DISEASED, SICK, BLIND IN BOTH EYES, OR OTHERWISE  
12 DISABLED; OR

13 (III) IS LIKELY TO GIVE BIRTH DURING THE TRANSPORT.

14 (2) A PERSON MAY NOT TRANSPORT A HORSE UNLESS THE PERSON HAS  
15 PROOF OF A NEGATIVE COGGINS TEST FOR THE HORSE.

16 (C) (1) A PERSON MAY NOT TRANSPORT A HORSE IN A VEHICLE THAT IS NOT  
17 DESIGNED AND CONSTRUCTED IN A MANNER THAT AT ALL TIMES PROTECTS THE  
18 HEALTH AND WELL-BEING OF THE HORSE BEING TRANSPORTED.

19 (2) TO MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS  
20 SUBSECTION, AT A MINIMUM A VEHICLE USED TO TRANSPORT A HORSE SHALL:

21 (I) BE LIMITED TO ONE LEVEL THROUGHOUT THE VEHICLE;

22 (II) HAVE AN INTERIOR HEIGHT SUFFICIENT TO ALLOW EACH  
23 HORSE BEING TRANSPORTED TO STAND WITH ITS HEAD EXTENDED TO THE FULLEST  
24 NORMAL UPRIGHT POSITION WITHOUT MAKING CONTACT WITH THE ROOF OR AN  
25 OVERHEAD STRUCTURE;

26 (III) BE SPECIFICALLY MANUFACTURED FOR THE TRANSPORT OF  
27 HORSES;

28 (IV) HAVE DOORWAY HEIGHTS AND WIDTHS THAT ALLOW A HORSE  
29 TO PASS THROUGH WITHOUT TOUCHING THE SIDES OF THE OPENINGS;

30 (V) BE EQUIPPED WITH RAMPS IF THE VERTICAL DISTANCE FROM  
31 THE FLOOR TO THE COMPARTMENT CONTAINING THE HORSE IS GREATER THAN 15  
32 INCHES;

33 (VI) IF THE VEHICLE IS EQUIPPED WITH RAMPS THAT SIT AT  
34 GREATER THAN A 25 DEGREE ANGLE, HAVE RAMPS EQUIPPED WITH ANTISKID  
35 FLOORING AND RAILS; AND

1 (VII) CONTAIN ADEQUATE SPACE TO ENSURE THAT NO HORSE IS  
2 CROWDED IN A WAY THAT IS LIKELY TO CAUSE INJURY.

3 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
4 AND ON CONVICTION IS SUBJECT TO:

5 (1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR  
6 A FINE NOT EXCEEDING \$5,000 FOR EACH HORSE BEING TRANSPORTED OR BOTH;  
7 AND

8 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT  
9 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$8,000 FOR EACH HORSE BEING  
10 TRANSPORTED OR BOTH.

11 (E) (1) AT THE TIME OF ARREST FOR A VIOLATION OF THIS SECTION, A  
12 POLICE OFFICER SHALL SEIZE EACH HORSE BEING TRANSPORTED AND THE  
13 VEHICLE BEING USED FOR TRANSPORT.

14 (2) EACH HORSE SEIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION  
15 SHALL BE TAKEN TO A LOCATION EQUIPPED TO HANDLE THE CARE AND TREATMENT  
16 OF THE ANIMALS.

17 (3) WITHIN 10 DAYS OF THE SEIZURE OF EACH HORSE AND THE  
18 VEHICLE, THE OWNER MAY FILE A PETITION FOR THE RETURN OF EACH HORSE AND  
19 THE VEHICLE WITH THE DISTRICT COURT OF THE COUNTY IN WHICH THE REMOVAL  
20 OCCURRED.

21 (4) IF A PETITION FOR THE RETURN OF A HORSE SEIZED UNDER THE  
22 PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IS FILED, THE OWNER OF THE  
23 HORSE SHALL POST A BOND WITH THE COURT IN AN AMOUNT TO BE SET BY THE  
24 COURT EQUIVALENT TO THE COST OF CARING FOR THE HORSE FROM THE TIME OF  
25 SEIZURE UNTIL THE COURT DATE ON THE PETITION FOR ITS RETURN.

26 (5) IF THE OWNER OF THE HORSE FAILS TO FILE A PETITION AND POST  
27 A BOND WITHIN THE REQUIRED TIME, THE HORSE AND THE VEHICLE SHALL BE  
28 FORFEITED TO THE STATE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2005.