

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 495

(Delegate Jennings, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Agriculture - Improper Transport of Horses - Prohibitions

This bill prohibits a person from transporting a horse in a vehicle that is not designed and constructed in a manner that at all times protects the health and well-being of the horse being transported. The bill specifies minimum requirements for such vehicles.

The bill provides that violators are subject to a civil penalty – \$500 for a first offense and \$1,000 for each subsequent violation – applicable to each horse being transported.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provision. No effect on expenditures.

Local Effect: Potential minimal increase in revenues due to the bill's penalty provision. No effect on expenditures.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, vehicles used to transport horses must, at a minimum: (1) be limited to one level throughout the vehicle where animals are confined; (2) have an interior height sufficient to allow each horse being transported to stand with its head extended to the fullest normal upright position without making contact with the roof or an overhead structure; (3) have doorway heights and widths that allow a horse to pass through without touching the sides of the openings; (4) be equipped with ramps if the

vertical distance from the floor to the compartment containing the horse is greater than 15 inches; (5) if the vehicle is equipped with ramps that sit at greater than a 25 degree angle, have ramps equipped with antiskid flooring and rails; and (6) contain adequate space to ensure that no horse is crowded in a way that is likely to cause injury.

Current Law: Maryland has no specified safety restrictions for vehicles used to transport horses.

Background: In some instances horses that are intended for slaughter are transported through the State in trailers that are not specifically designed to carry or transport horses, but rather cattle, and can be dangerous to horses.

Federal regulations (C.F.R. Title 9, Part 88) provide for standards related to the transport of equine animals to slaughter. The law provides that the cargo space of conveyances used for the commercial transportation of equine animals to slaughtering facilities must: (1) be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the animals being transported (*e.g.*, have adequate ventilation, contain no sharp protrusions, etc.); (2) include a way of completely segregating each stallion and each aggressive animal on the conveyance so that no stallion or aggressive animal can come into contact with any of the other animals on the conveyance; (3) have sufficient interior height to allow each animal on the conveyance to stand with its head extended to the fullest normal postural height; and (4) be equipped with doors and ramps of sufficient size and location to provide for safe loading and unloading.

The federal regulations also provide that equine animals transported to slaughtering facilities must not be transported in any conveyance that has the animal cargo space divided into two or more stacked levels; however, conveyances lacking the capability to convert from two or more stacked levels to one level may be used until December 7, 2006. Conveyances with collapsible floors (known as “floating decks”) must be configured to transport equines on one level only.

States are authorized to enact and enforce regulations that are consistent with or more stringent than the federal regulations.

Pennsylvania law provides that persons transporting equine animals in a truck, trailer, semitrailer, or other vehicle with two or more levels stacked on top of one another are guilty of a summary offense for each equine animal.

Virginia also has requirements related to the transport of horses to slaughter patterned after the federal regulations. These include requirements for vehicle size and construction and provide for animal health, safety, and space.

State Revenues: General fund revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the District Court.

Local Revenues: Revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the circuit courts.

Additional Information

Prior Introductions: HB 721 of 2005, a similar bill, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Code of Federal Regulations, Maryland Department of Transportation, Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2006
mll/ljm Revised - Enrolled Bill - April 24, 2006

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