

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 546
Judiciary

(Delegate Kelly, *et al.*)

Vehicle Laws - Transporting Pets in Trucks or Trailers

This bill prohibits a person from transporting a pet in or on a truck or trailer while traveling on a highway, unless the truck or trailer is enclosed as specified in the bill or the pet is safely contained in a cage or other device that prevents the pet from falling, jumping, or otherwise exiting the truck or trailer. A pet is defined as a domesticated animal but does not include livestock. A person who transports a pet in violation of the bill's provisions is guilty of a misdemeanor and subject to a maximum fine of \$500. A violation of the bill is not considered a moving violation, however, and points cannot be assessed against a violator's driver's license.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provision from cases heard in the District Court. No effect on expenditures as the bill's requirements can be enforced with existing resources.

Local Effect: None. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: The Maryland Vehicle Law does not regulate the transportation of pets in trucks or trailers.

Background: According to the pet advocacy organization, *Bark BuckleUp*, 25 states have laws that require a pet to be tethered in a car, trailer, or truck. Those states are

Arkansas, California, Colorado, Hawaii, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, and Washington. No states, however, require that pets be restrained in a harness or seat belt-type apparatus while riding in a vehicle. The *Bark BuckleUp* organization advocates restraint of pets in moving vehicles because an unrestrained pet can become a flying projectile in the event of an accident. Even if a pet survives a vehicle accident, it can impede or attack rescue workers or be hit by a vehicle and subsequently injured or killed. Unrestrained pets may also cause driver distraction, thereby contributing to a vehicle accident.

Additional Information

Prior Introductions: This bill is identical to HB 134 of 2008 as amended by the House; however, it received an unfavorable report from the Senate Judicial Proceedings Committee. It is also similar to HB 132 of 1997, which received an unfavorable report from the House Commerce and Government Matters Committee.

Cross File: SB 110 (Senator Stone) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Bark BuckleUp, *consumeraffairs.com*, Department of Legislative Services

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