

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 679 (Delegate Cluster, *et al.*)  
Environment and Transportation

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Vehicle Laws - Cats and Dogs Left Unattended - Authorized Removal

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This bill removes restrictions on the general public from using reasonable force to remove a cat or dog left unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety. An individual who uses reasonable force under the bill must (1) reasonably believe that the cat or dog is in imminent danger; (2) contact a law enforcement agency, a fire department, or 9-1-1 prior to using force to remove the cat or dog; (3) leave written notice in the vehicle, as specified; and (4) remain with the cat or dog in a safe location until arrival of law enforcement or the fire department. Immunity from civil liability for any damages that directly result from the removal is extended to a person who acts to rescue a cat or dog from an unattended standing or parked motor vehicle.

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Fiscal Summary

**State Effect:** The bill's changes can be handled with existing resources.

**Local Effect:** The bill's changes can be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The written notice required under the bill must include:

- the person's name and contact information;
- the reason for entering the motor vehicle; and
- information regarding the law enforcement agency, fire department, or 9-1-1 dispatch center that has been contacted.

**Current Law:** A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog. A person that violates this law is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court for this offense is \$70.

Reasonable force may be used by specified persons to remove a cat or dog left unattended inside a motor vehicle in violation of the law, as follows: (1) a law enforcement officer; (2) a public safety employee of the State or a local government; (3) a State or local animal control officer; (4) an officer of a State-incorporated society or association for the prevention of cruelty to animals who is authorized to make arrests; or (5) a fire and rescue service professional or volunteer.

A person is prohibited from using force of any kind to remove a dog used by the State or a local government for police work or a cat or dog in the custody of an animal control officer.

**Background:** The District Court reports that, in fiscal 2015, 142 citations were issued for leaving a cat or dog unattended in a motor vehicle. Of those issued, 105 were prepaid, 4 went to trial, and 33 remained open.

**Local Fiscal Impact:** Charles and Frederick counties report that no fiscal impact is anticipated from the bill's provisions.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles and Frederick counties; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2016  
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