

ASSEMBLY, No. 3221

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JULY 30, 2012

Sponsored by:

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

SYNOPSIS

Establishes requirements for pet restraints in passenger automobiles for dogs and cats; establishes failure to comply with requirements as a motor vehicle offense and an animal cruelty offense.

CURRENT VERSION OF TEXT

As introduced.



A3221 SPENCER

2

1 AN ACT concerning the restraint of domestic dogs and cats in
2 passenger automobiles, amending R.S.4:22-18 and R.S.4:22-26,
3 and supplementing Title 39 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. (New section) a. The driver of a passenger automobile shall
9 secure or cause to be secured in an appropriately sized, properly
10 adjusted, and fastened seat belt restraint system, any non-crated
11 domestic dog or cat that is being transported in the vehicle.

12 b. As used in this section:

13 “Domestic dog or cat” means a dog (*Canis familiaris*) or a cat
14 (*Felis catus* or *Felis domesticus*) that is generally recognized in the
15 United States as being a household pet.

16 “Passenger automobile” means a car, van, pick-up truck, or
17 utility vehicle.

18 “Seat belt restraint system” means a device, including an animal
19 safety harness, modified seat belt, tether, or other similar type of
20 control apparatus, which humanely restricts the movement of a
21 domestic dog or cat and keeps the animal secured and confined to a
22 seat in a passenger automobile or within a passenger automobile’s
23 cargo area during motor vehicle transport.

24

25 2. (New section) Any person who violates section 1 of this act
26 shall be fined \$20. A person fined under this section shall not be
27 subject to a surcharge under the Motor Vehicle Violations
28 Surcharge System as provided in section 6 of P.L.1983, c.65
29 (C.17:29A-35), and in no case shall motor vehicle points or
30 automobile insurance eligibility points pursuant to section 26 of
31 P.L.1990, c.8 (C.17:33B-14) be assessed against a person for a
32 violation of this act. In addition, a person may be subject to
33 prosecution for animal cruelty under R.S.4:22-18 or subsection h. of
34 R.S.4:22-26.

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36 3. R.S.4:22-18 is amended to read as follows:

37 4:22-18. a. A person who shall carry, or cause to be carried, a
38 living animal or creature in or upon a vehicle or otherwise, in a
39 cruel or inhumane manner, shall be guilty of a disorderly persons
40 offense and punished as provided in subsection a. of R.S.4:22-17.

41 b. Failure to comply with the provisions of section 1 of P.L. ,
42 c. (C.) (pending before the Legislature as this bill) shall be a
43 violation of subsection a. of this section and shall be cruel or
44 inhumane.

45 (cf: P.L.2001, c.229, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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- 1 4. R.S.4:22-26 is amended to read as follows:
2 4:22-26. A person who shall:
3 a. (1) Overdrive, overload, drive when overloaded, overwork,
4 deprive of necessary sustenance, abuse, or needlessly kill a living
5 animal or creature, or cause or procure, by any direct or indirect
6 means, including but not limited to through the use of another living
7 animal or creature, any such acts to be done;
8 (2) Torment, torture, maim, hang, poison, unnecessarily or
9 cruelly beat, or needlessly mutilate a living animal or creature, or
10 cause or procure, by any direct or indirect means, including but not
11 limited to through the use of another living animal or creature, any
12 such acts to be done;
13 (3) Cruelly kill, or cause or procure, by any direct or indirect
14 means, including but not limited to through the use of another living
15 animal or creature, the cruel killing of, a living animal or creature,
16 or otherwise cause or procure, by any direct or indirect means,
17 including but not limited to through the use of another living animal
18 or creature, the death of a living animal or creature from
19 commission of any act described in paragraph (2) of this subsection;
20 b. (Deleted by amendment, P.L.2003, c.232).
21 c. Inflict unnecessary cruelty upon a living animal or creature,
22 by any direct or indirect means, including but not limited to through
23 the use of another living animal or creature; or unnecessarily fail to
24 provide a living animal or creature of which the person has charge
25 either as an owner or otherwise with proper food, drink, shelter or
26 protection from the weather; or leave it unattended in a vehicle
27 under inhumane conditions adverse to the health or welfare of the
28 living animal or creature;
29 d. Receive or offer for sale a horse that is suffering from abuse
30 or neglect, or which by reason of disability, disease, abuse or
31 lameness, or any other cause, could not be worked, ridden or
32 otherwise used for show, exhibition or recreational purposes, or
33 kept as a domestic pet without violating the provisions of this
34 article;
35 e. Keep, use, be connected with or interested in the
36 management of, or receive money or other consideration for the
37 admission of a person to, a place kept or used for the purpose of
38 fighting or baiting a living animal or creature;
39 f. Be present and witness, pay admission to, encourage, aid or
40 assist in an activity enumerated in subsection e. of this section;
41 g. Permit or suffer a place owned or controlled by him to be
42 used as provided in subsection e. of this section;
43 h. Carry, or cause to be carried, a living animal or creature in
44 or upon a vehicle or otherwise, in a cruel or inhumane manner,
45 including failure to comply with the provisions of section 1 of
46 P.L. , c. (C.) (pending before the Legislature as this bill);
47 i. Use a dog or dogs for the purpose of drawing or helping to
48 draw a vehicle for business purposes;

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- 1 j. Impound or confine or cause to be impounded or confined in
2 a pound or other place a living animal or creature, and shall fail to
3 supply it during such confinement with a sufficient quantity of good
4 and wholesome food and water;
- 5 k. Abandon a maimed, sick, infirm or disabled animal or
6 creature to die in a public place;
- 7 l. Willfully sell, or offer to sell, use, expose, or cause or permit
8 to be sold or offered for sale, used or exposed, a horse or other
9 animal having the disease known as glanders or farcy, or other
10 contagious or infectious disease dangerous to the health or life of
11 human beings or animals, or who shall, when any such disease is
12 beyond recovery, refuse, upon demand, to deprive the animal of
13 life;
- 14 m. Own, operate, manage or conduct a roadside stand or market
15 for the sale of merchandise along a public street or highway; or a
16 shopping mall, or a part of the premises thereof; and keep a living
17 animal or creature confined, or allowed to roam in an area whether
18 or not the area is enclosed, on these premises as an exhibit; except
19 that this subsection shall not be applicable to: a pet shop licensed
20 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
21 keeps an animal, in a humane manner, for the purpose of the
22 protection of the premises; or a recognized breeders' association, a
23 4-H club, an educational agricultural program, an equestrian team, a
24 humane society or other similar charitable or nonprofit organization
25 conducting an exhibition, show or performance;
- 26 n. Keep or exhibit a wild animal at a roadside stand or market
27 located along a public street or highway of this State; a gasoline
28 station; or a shopping mall, or a part of the premises thereof;
- 29 o. Sell, offer for sale, barter or give away or display live baby
30 chicks, ducklings or other fowl or rabbits, turtles or chameleons
31 which have been dyed or artificially colored or otherwise treated so
32 as to impart to them an artificial color;
- 33 p. Use any animal, reptile, or fowl for the purpose of soliciting
34 any alms, collections, contributions, subscriptions, donations, or
35 payment of money except in connection with exhibitions, shows or
36 performances conducted in a bona fide manner by recognized
37 breeders' associations, 4-H clubs or other similar bona fide
38 organizations;
- 39 q. Sell or offer for sale, barter, or give away living rabbits,
40 turtles, baby chicks, ducklings or other fowl under two months of
41 age, for use as household or domestic pets;
- 42 r. Sell, offer for sale, barter or give away living baby chicks,
43 ducklings or other fowl, or rabbits, turtles or chameleons under two
44 months of age for any purpose not prohibited by subsection q. of
45 this section and who shall fail to provide proper facilities for the
46 care of such animals;
- 47 s. Artificially mark sheep or cattle, or cause them to be
48 marked, by cropping or cutting off both ears, cropping or cutting

- 1 either ear more than one inch from the tip end thereof, or half
2 cropping or cutting both ears or either ear more than one inch from
3 the tip end thereof, or who shall have or keep in the person's
4 possession sheep or cattle, which the person claims to own, marked
5 contrary to this subsection unless they were bought in market or of
6 a stranger;
- 7 t. Abandon a domesticated animal;
- 8 u. For amusement or gain, cause, allow, or permit the fighting
9 or baiting of a living animal or creature;
- 10 v. Own, possess, keep, train, promote, purchase, or knowingly
11 sell a living animal or creature for the purpose of fighting or baiting
12 that animal or creature;
- 13 w. Gamble on the outcome of a fight involving a living animal
14 or creature;
- 15 x. Knowingly sell or barter or offer for sale or barter, at
16 wholesale or retail, the fur or hair of a domestic dog or cat or any
17 product made in whole or in part from the fur or hair of a domestic
18 dog or cat, unless such fur or hair for sale or barter is from a
19 commercial grooming establishment or a veterinary office or clinic
20 or is for use for scientific research;
- 21 y. Knowingly sell or barter or offer for sale or barter, at
22 wholesale or retail, for human consumption, the flesh of a domestic
23 dog or cat or any product made in whole or in part from the flesh of
24 a domestic dog or cat;
- 25 z. Surgically debark or silence a dog in violation of section 1
26 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 27 aa. Use a live pigeon, fowl or other bird for the purpose of a
28 target, or to be shot at either for amusement or as a test of skill in
29 marksmanship, except that this subsection and subsections bb. and
30 cc. shall not apply to the shooting of game;
- 31 bb. Shoot at a bird used as described in subsection aa. of this
32 section, or is a party to such shooting; or
- 33 cc. Lease a building, room, field or premises, or knowingly
34 permit the use thereof for the purposes of subsection aa. or bb. of
35 this section --
- 36 Shall forfeit and pay a sum according to the following schedule,
37 to be sued for and recovered, with costs, in a civil action by any
38 person in the name of the New Jersey Society for the Prevention of
39 Cruelty to Animals or a county society for the prevention of cruelty
40 to animals, as appropriate, or, in the name of the municipality if
41 brought by a certified animal control officer or animal cruelty
42 investigator:
- 43 For a violation of subsection e., f., g., u., v., w., or z. of this
44 section or of paragraph (3) of subsection a. of this section, or for a
45 second or subsequent violation of paragraph (2) of subsection a. of
46 this section, a sum of not less than \$3,000 nor more than \$5,000;

1 For a violation of subsection l. of this section or for a first
2 violation of paragraph (2) of subsection a. of this section, a sum of
3 not less than \$1,000 nor more than \$3,000;

4 For a violation of subsection x. or y. of this section, a sum of not
5 less than \$500 nor more than \$1,000 for each domestic dog or cat
6 fur or fur or hair product or domestic dog or cat carcass or meat
7 product;

8 For a violation of subsection t. of this section, a sum of not less
9 than \$500 nor more than \$1,000, but if the violation occurs on or
10 near a highway, a mandatory sum of \$1,000;

11 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
12 section or of paragraph (1) of subsection a. of this section, a sum of
13 not less than \$250 nor more than \$1,000; and

14 For a violation of subsection i., m., n., o., p., q., r., or s. of this
15 section, a sum of not less than \$250 nor more than \$500.

16 (cf: P.L.2005, c.372, s.16)

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18 5. This act shall take effect on the 60th day following the date
19 of enactment.

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STATEMENT

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24 This bill would require the driver of a passenger automobile to
25 secure or cause to be secured in an appropriately sized, properly
26 adjusted, and fastened seat belt restraint system, any non-crated
27 domestic cat or dog that is being transported in the vehicle. A “seat
28 belt restraint system” is defined under the bill as a device, including
29 an animal safety harness, modified seat belt, tether, or other similar
30 type of control apparatus, which humanely restricts the movement
31 of a domestic dog or cat and keeps the animal secured and confined
32 to a seat in a passenger automobile or within a passenger
33 automobile’s cargo area during motor vehicle transport.

34 The bill establishes a motor vehicle fine of \$20 for a violation.
35 Furthermore, the bill provides that failure to comply with the
36 requirements set forth in section 1 of this bill would be also be a
37 violation of R.S.4:22-18 and R.S.4:22-26 of the State animal cruelty
38 statutes. R.S.4:22-18 provides a person who shall carry, or cause to
39 be carried, a living animal or creature in or upon a vehicle or
40 otherwise, in a cruel or inhumane manner, is guilty of a disorderly
41 persons offense and punishable under R.S.4:22-17. R.S.4:22-26
42 provides civil penalties of no less than \$250 and no more than
43 \$1,000 for the same offense.