

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1640, 1642, and 1013

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED DECEMBER 12, 2016

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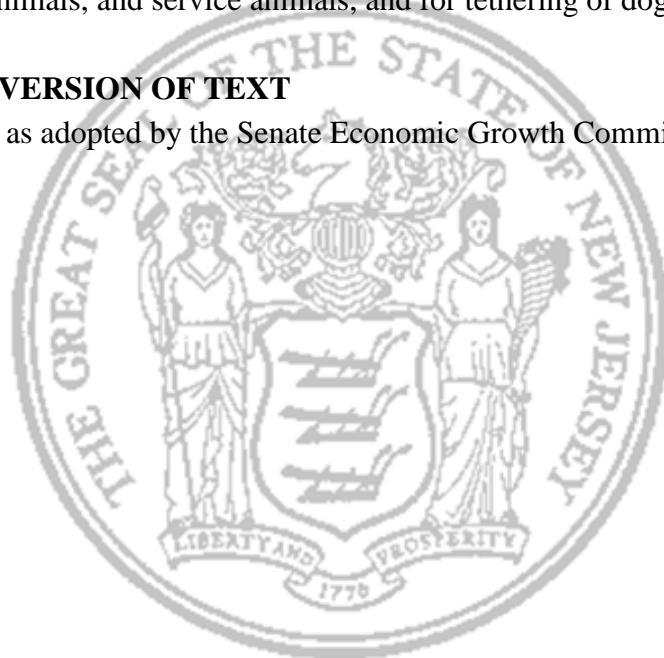
Senators Addiego, Bateman, Kyrillos, A.R.Bucco, Greenstein, Lesniak and Allen

SYNOPSIS

Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Economic Growth Committee.



(Sponsorship Updated As Of: 1/10/2017)

1 **AN ACT** concerning the necessary care and tethering of certain
2 animals, and supplementing Title 4 of the Revised Statutes, and
3 amending P.L.1941, c.151.
4

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

7
8 1. (New section) As used in this act:

9 “Adverse environmental conditions” means (1) when the ambient
10 temperature is 32 degrees Fahrenheit or below in the immediate
11 vicinity of a dog, domestic companion animal, or service animal, or
12 there are other cold weather or precipitation-related environmental
13 conditions, including, but not limited to, wind, rain, snow, ice, sleet,
14 or hail, such that a person should reasonably know would pose an
15 adverse risk to the health or safety of a dog, domestic companion
16 animal, or service animal, based on the animal’s size, age, physical
17 condition, or thickness of the animal’s hair or fur; or (2) when the
18 ambient temperature is 90 degrees Fahrenheit or above in the
19 immediate vicinity of a dog, domestic companion animal, or service
20 animal, or a dog, domestic companion animal, or service animal is
21 exposed to direct sunlight or hot pavement, such that a person
22 should reasonably know would pose an adverse risk to the health or
23 safety of the animal, based on the animal’s size, age, physical
24 condition, or thickness of the animal’s hair or fur.

25 “Animal rescue organization” means an animal rescue
26 organization as defined in section 1 of P.L.1941, c.151 (C.4:19-
27 15.1).

28 “Animal rescue organization facility” means an animal rescue
29 organization facility as defined in section 1 of P.L.1941, c.151
30 (C.4:19-15.1).

31 “Domestic companion animal” means any animal commonly
32 referred to as a pet that was bought, bred, raised, or otherwise
33 acquired, in accordance with local ordinances and State and federal
34 law, for the primary purpose of providing companionship to the
35 owner, rather than for business or agricultural purposes.

36 “Kennel” means a kennel as defined in section 1 of P.L.1941,
37 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
38 c.151 (C.4:19-15.8).

39 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,
40 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
41 c.151 (C.4:19-15.8).

42 “Pound” means a pound as defined in section 1 of P.L.1941,
43 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
44 c.151 (C.4:19-15.8).

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.

1 “Proper shelter” means a structure or other type of protection
2 that conforms to the standards and requirements set forth in section
3 5 of this act, but shall not mean a shelter or defined elsewhere in
4 this section.

5 “Service animal” means a service animal or a guide dog as
6 defined in subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-
7 3.2), or an animal used for any therapeutic purpose.

8 “Shelter” means a shelter as defined in section 1 of P.L.1941,
9 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
10 c.151 (C.4:19-15.8).

11 “Tether” means to fasten a dog with a cable, chain, rope, or other
12 similar object to a stationary object, including, but not limited to, a
13 doghouse, tree, stake, pole, fence, or wall, or to a device that is
14 mobile including, but not limited to, a trolley or pulley, in order to
15 restrict the dog’s movement. “Tether” also means the cable, chain,
16 rope, or other similar object used to fasten a dog, as applicable.

17 “Unattended” means a person is not outdoors in the immediate
18 presence of the dog, domestic companion animal, or service animal
19 that is outdoors, or that a person is not in the immediate presence of
20 the dog, domestic companion animal, or service animal that is
21 indoors.

22

23 2. (New section) a. Except as provided in subsections b. and c.
24 of this section, it is unlawful to expose any dog, domestic
25 companion animal, or service animal to adverse environmental
26 conditions for more than 30 minutes, unless the animal has
27 continuous access to proper shelter, as set forth in section 5 of this
28 act.

29 b. When State or local officials issue an order of evacuation
30 due to weather or other emergency conditions, an owner or other
31 person with custody or control of a dog, domestic companion
32 animal, or service animal shall make every effort to evacuate with
33 the animal, and shall not leave the animal indoors or outdoors while
34 unattended and tethered. If evacuation with the owner or other
35 person with custody or control of the dog, domestic companion
36 animal, or service animal is not an option, the owner or other person
37 with custody or control of the animal shall make every effort to:

38 (1) deliver the animal to a safe haven not impacted by the
39 emergency, which may include, but is not limited to, a licensed
40 kennel, shelter, or pound, temporary animal shelter established for
41 the purposes of the emergency, the residence of a friend, relative, or
42 other caregiver, or other suitable facility capable of ensuring the
43 animal’s safety; or

44 (2) secure the animal in an indoor area that is clear of hazards
45 and is as protective of the dog, domestic companion animal, or
46 service animal as possible under the circumstances, and alert local
47 emergency responders to the animal’s location.

1 c. The requirements of subsection a. of this section shall not
2 apply to a dog, domestic companion animal, or service animal if the
3 animal's owner or person with custody or control of the animal:

4 (1) is in the presence of the animal and exposed to the same
5 adverse environmental conditions as the animal at all times that the
6 animal is exposed to these adverse environmental conditions; and

7 (2) can see the animal at all times while the animal is exposed to
8 the adverse environmental conditions, unless the animal's owner or
9 person with custody or control of the animal is blind or visually
10 impaired so that the person cannot see the animal due to the
11 blindness or visual impairment, in which case the owner or other
12 person with custody or control of the animal shall remain
13 immediately adjacent to the animal at all times while the animal and
14 the owner or other person with custody or control of the animal are
15 exposed to the adverse environmental conditions.

16 As used in this subsection, "blind" means a person whose vision
17 in the person's better eye with proper correction does not exceed
18 20/200 or who has a field defect in the person's better eye with
19 proper correction which contracts the peripheral field so that the
20 diameter of the visual field subtends an angle no greater than 20
21 degrees; and "visually impaired" means having a condition in which
22 a person has a corrected visual acuity not exceeding 20/70, but not
23 less than 20/200, in the person's better eye, or in which the
24 peripheral field of the person's vision has contracted so that the
25 diameter of the visual field subtends an angle no greater than 40
26 degrees but no less than 20 degrees.

27 d. The requirements of subsections a. and b. of this section
28 shall not apply to any cat living outside with no apparent owner,
29 commonly referred to as, or considered to be, a feral cat.

30 e. (1) The owner of a dog, domestic companion animal, or
31 service animal shall be liable for a violation of subsection a. of this
32 section that occurs on any property belonging to the owner or on
33 which the owner resides at the time of the violation, regardless of
34 whether the owner is present when the violation occurs.

35 (2) The person with custody or control of a dog, domestic
36 companion animal, or service animal who is not the owner of the
37 animal shall be liable for a violation of subsection a. of this section
38 that occurs on any property belonging to the person with custody or
39 control of the animal or on which the person with custody or control
40 of the animal resides at the time of the violation, regardless of
41 whether the person is present when the violation occurs.

42

43 3. (News section) a. It is unlawful for any person to cruelly
44 restrain a dog.

45 b. A person cruelly restrains a dog if the person tethers a dog:

46 (1) which is a nursing female, or which is less than four months
47 old;

- 1 (2) outdoors between the hours of 11 p.m. and 5 a.m., but this
2 paragraph shall not take effect until 18 months after the date on
3 which this act takes effect;
- 4 (3) in an unoccupied building or upon vacant property;
- 5 (4) in a manner that does not permit the dog continuous access to
6 water in a sanitary and liquid state whenever the dog is tethered for
7 more than 30 minutes;
- 8 (5) in a manner that exposes the dog to adverse environmental
9 conditions for more than 30 minutes;
- 10 (6) by means of a choke collar, prong collar, head harness, or any
11 other type of collar, harness, or similar device other than a properly
12 fitted body harness or buckle-type collar;
- 13 (7) by using a chain with metal links that are more than one-
14 quarter of an inch thick, or a tether, collar, or harness to which a
15 weight is attached;
- 16 (8) with a tether on which more than one dog is restrained;
- 17 (9) with a tether that is less than 15 feet in length or which does
18 not permit the dog to walk at least 15 feet in any one direction; or
- 19 (10) with a tether that permits the dog to reach another dog or an
20 object or location that poses a risk of entanglement, strangulation,
21 drowning, or other harm to the health or safety of the dog,
22 including, but not limited to, another dog's tether or a window sill,
23 fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public
24 road or highway.
- 25 c. Paragraphs (2), (9), and (10) of subsection b. of this section
26 shall not apply if the dog's owner or the person with custody or
27 control of the dog:
- 28 (1) is in the presence of the dog at all times while the dog is
29 tethered, whether indoors or outdoors; and
- 30 (2) can see the dog at all times while the dog is tethered, unless
31 the dog's owner or the person with custody or control of the dog is
32 blind or visually impaired so that the person cannot see the dog due
33 to the blindness or visual impairment, in which case the owner or
34 other person with custody or control of the animal shall remain
35 immediately adjacent to the dog at all times while the dog is
36 tethered.
- 37 As used in this subsection, "blind" means a person whose vision
38 in the person's better eye with proper correction does not exceed
39 20/200 or who has a field defect in the person's better eye with
40 proper correction which contracts the peripheral field so that the
41 diameter of the visual field subtends an angle no greater than 20
42 degrees; and "visually impaired" means having a condition in which
43 a person has a corrected visual acuity not exceeding 20/70, but not
44 less than 20/200, in the person's better eye, or in which the
45 peripheral field of the person's vision has contracted so that the
46 diameter of the visual field subtends an angle no greater than 40
47 degrees but no less than 20 degrees.
- 48 d. (1) The owner of a dog, domestic companion animal, or
49 service animal shall be liable for a violation of subsections a. and b.

1 of this section that occurs on any property belonging to the owner
2 or on which the owner resides at the time of the violation,
3 regardless of whether the owner is present when the violation
4 occurs.

5 (2) The person with custody or control of a dog, domestic
6 companion animal, or service animal who is not the owner of the
7 animal shall be liable for a violation of subsections a. and b. of this
8 section that occurs on any property belonging to the person with
9 custody or control of the animal or on which the person with
10 custody or control of the animal resides at the time of the violation,
11 regardless of whether the person is present when the violation
12 occurs.

13

14 4. (New section) a. It is unlawful to confine a dog, domestic
15 companion animal, or service animal in any structure, room, area,
16 or container that does not comply with the standards and
17 requirements of proper shelter as set forth in section 5 of this act,
18 except as provided in subsections b. and c. of this section.

19 b. (1) Notwithstanding the requirements of paragraph (1) of
20 subsection a. of section 5 of this act, a person may confine a dog,
21 domestic companion animal, or service animal temporarily in an
22 animal carrier or crate for the purposes enumerated in paragraph (2)
23 of this subsection, provided that (a) during transport, the animal is
24 at all times inside the vehicle being used for transport; and (b)
25 during confinement in the animal carrier or crate, the head of the
26 dog, domestic companion animal, or service animal cannot touch
27 the ceiling of the animal carrier or crate when the animal is in a
28 normal sitting or standing position in the animal carrier or crate,
29 and the dog, domestic companion animal, or service animal can
30 easily turn around in a full circle and lie down on its side with limbs
31 outstretched in the animal carrier or crate.

32 (2) A person may confine a dog, domestic companion animal, or
33 service animal temporarily in an animal carrier or crate for the
34 purpose of (a) transport; (b) any exhibition, show, contest, or other
35 temporary event at which the skill, breeding, or stamina of the
36 animal is judged or examined; or (c) in the case of a dog, any
37 exhibition, class, training session, or other temporary event at which
38 the dog is used, or is being trained, to hunt wildlife in a lawful
39 manner.

40 c. Subsection a. of this section shall not apply to:

41 (1) a facility maintained and used in connection with the
42 practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or

43 (2) a licensed kennel, pet shop, shelter, or pound subject to the
44 rules and regulations adopted pursuant to section 14 of P.L.1941,
45 c.151 (C.4:19-15.14) pertaining to the sanitary conduct and
46 operation of kennels, pet shops, shelters, and pounds, which is
47 operating in compliance with those rules and regulations.

1 5. (New section) a. Proper shelter for a dog, domestic
2 companion animal, or service animal shall be a structure or other
3 type of protection that meets, at a minimum, the following
4 standards and requirements:

5 (1) It provides at all times (a) adequate ventilation to allow the
6 dog, domestic companion animal, or service animal to remain dry
7 and maintain a normal body temperature, (b) access to water in a
8 sanitary and liquid state, (c) exposure to natural or artificial light
9 according to a regular cycle of day and night, (d) sufficient space so
10 that the dog, domestic companion animal, or service animal can
11 easily turn around in a full circle and lie down on the animal's side
12 with limbs outstretched, and (e) at least three inches of empty space
13 above the head of the dog, domestic companion animal, or service
14 animal when the animal is in a normal sitting or standing position in
15 the proper shelter;

16 (2) It is maintained in a manner to minimize the accumulation of
17 any waste, other debris, precipitation, or other moisture inside,
18 surrounding, and underneath any area or structure providing proper
19 shelter, and to provide reasonable protection from flooding;

20 (3) It is soundly constructed to prevent the sagging or collapse
21 of any part of the structure or protection, and is maintained in good
22 repair with no exposed sharp points or edges;

23 (4) It remains in an upright position at all times;

24 (5) In the event of adverse environmental conditions as set forth
25 in paragraph (1) of the definition of that term in section 1 of this
26 act, it is an enclosed structure that has (a) a solid roof, solid walls
27 with a single opening no larger than necessary to allow the dog,
28 domestic companion animal, or service animal to comfortably enter
29 and exit the structure, and a floor that is not the ground, and (b)
30 insulation, dry bedding, and a windbreak at the entrance that are
31 sufficient to keep the dog, domestic companion animal, or service
32 animal dry and maintain the animal's normal body temperature; and

33 (6) In the event of adverse environmental conditions as set forth
34 in paragraph (2) of the definition of that term in section 1 of this
35 act, it provides the dog, domestic companion animal, or service
36 animal with adequate shade by natural or artificial means to allow
37 the animal to maintain a normal body temperature.

38 b. Any part of the residence of an owner, or other person with
39 custody or control, of a dog, domestic companion animal, or service
40 animal shall be proper shelter for a dog, domestic companion
41 animal, or service animal, provided that the part of the residence,
42 and the use thereof, are in compliance with the requirements for
43 proper shelter set forth in this section.

44 c. Proper shelter for a dog, domestic companion animal, or
45 service animal shall not include:

46 (1) a crawl space under a building or a part of a building, such
47 as under steps, a deck, or a stoop;

48 (2) the space under a vehicle;

1 (3) the inside of a vehicle if the dog, domestic companion
2 animal, or service animal is kept in the vehicle in a manner or for a
3 length of time that a person should reasonably know poses an
4 adverse risk to the health or safety of the animal; or

5 (4) any structure or protection (a) made from pressure-treated
6 wood, (b) with a floor consisting of wire or chain-link or having
7 openings through which the paw, hoof, or foot of a dog, domestic
8 companion animal, or service animal, as applicable, can pass, or (c)
9 that is located outdoors and is made from cardboard or other
10 materials that are easily degraded by the elements.

11

12 6. (New section) a. The Department of Health, in consultation
13 with the Attorney General, shall:

14 (1) provide to each municipality in writing sufficient copies of
15 (a) this act, R.S.4:22-17, and R.S.4:22-26; (b) a plain language
16 description of the provisions and requirements thereof; and (c) a
17 plain language description of how to comply with those provisions
18 and requirements; and

19 (2) post on its website the materials enumerated in paragraph (1)
20 of this subsection.

21 b. Each municipality shall:

22 (1) provide the materials enumerated in and provided pursuant to
23 subsection a. of this section, along with any other information
24 deemed relevant by the municipality, to each person obtaining a
25 license for a dog at the time of licensing; and

26 (2) post on its website the materials enumerated in and provided
27 pursuant to subsection a. of this section.

28 The municipality may pay any cost incurred by complying with
29 the requirements of this subsection with fees forwarded to the
30 treasurer of the municipality pursuant to section 11 of P.L.1941,
31 c.151 (C.4:19-15.11).

32

33 7. (New section) a. Upon a showing of probable cause that
34 there has been a violation of this act and submission of a written
35 attestation that, pursuant to subsection f. of this section, a correction
36 warning was previously issued but not complied with or no
37 correction warning was required, a court of competent jurisdiction
38 shall issue, upon request, a warrant to any humane law enforcement
39 officer or agent of the New Jersey Society for the Prevention of
40 Cruelty to Animals or county society for the prevention of cruelty
41 to animals, certified animal control officer, or other State or local
42 law enforcement officer to enter onto the private property where a
43 dog, domestic companion animal, or service animal is located and
44 take physical custody of the animal.

45 b. Notwithstanding the provisions of subsection a. of this
46 section, or any other law, or any rule or regulation adopted pursuant
47 thereto, to the contrary, any humane law enforcement officer or
48 agent of the New Jersey Society for the Prevention of Cruelty to
49 Animals or county society for the prevention of cruelty to animals,

1 certified animal control officer, or other State or local law
2 enforcement officer may immediately enter onto private property
3 where a dog, domestic companion animal, or service animal is
4 located and take physical custody of the animal, if the officer or
5 agent has reasonable suspicion to believe that the animal is at risk
6 of imminent harm due to a violation of this act.

7 c. Upon taking physical custody of a dog, domestic companion
8 animal, or service animal pursuant to subsection a. or b. of this
9 section, the person taking physical custody of the animal shall: (1)
10 post immediately, in a conspicuous place at the location from which
11 the dog, domestic companion animal, or service animal was taken,
12 the notice required pursuant to subsection d. of this section to the
13 owner or person with custody or control of the dog, domestic
14 companion animal, or service animal; and (2) send by registered,
15 certified, or ordinary mail the notice described in subsection d. of
16 this section to the address of the location from which the dog,
17 domestic companion animal, or service animal was taken into
18 physical custody.

19 d. The notice required pursuant to subsection c. of this section
20 shall: (1) provide a description of the dog, domestic companion
21 animal, or service animal; (2) state that the dog, domestic
22 companion animal, or service animal may be euthanized upon a
23 veterinarian's written determination of medical necessity as
24 required by subsection e. of this section; (3) state the statutory
25 authority and reason for taking custody of the dog, domestic
26 companion animal, or service animal; and (4) provide contact
27 information, including at least the name of any applicable office or
28 entity, the name of a person at that office or entity, and a telephone
29 number for the owner or person with custody or control of the dog,
30 domestic companion animal, or service animal to obtain
31 information concerning the animal, the alleged violation, and where
32 the animal is impounded.

33 e. A dog, domestic companion animal, or service animal taken
34 into physical custody pursuant to subsection a. or b. of this section
35 shall be placed in a licensed shelter, pound, or kennel operating as a
36 shelter or pound to ensure the humane care and treatment of the
37 animal. If, after the dog, domestic companion animal, or service
38 animal has been taken into physical custody, a licensed veterinarian
39 makes a written determination that the animal is in intractable and
40 extreme pain and beyond any reasonable hope of recovery with
41 reasonable veterinary medical treatment, the animal may be
42 euthanized. At any time while the licensed shelter, pound, or
43 kennel operating as a shelter or pound has custody and control of
44 the dog, domestic companion animal, or service animal, it may
45 place the animal in an animal rescue organization facility or a foster
46 home if it determines the placement is in the best interest of the
47 animal.

48 f. No person shall be cited for a violation of this act unless that
49 person has first been issued a correction warning. A correction

1 warning shall provide notice to the person that the person has seven
2 days to correct the violation and a description of the violation to be
3 corrected. No correction warning shall be required when a humane
4 law enforcement officer or agent of the New Jersey Society for the
5 Prevention of Cruelty to Animals or county society for the
6 prevention of cruelty to animals, certified animal control officer, or
7 other State or local law enforcement officer immediately seizes a
8 dog, domestic companion animal, or service animal pursuant to
9 subsection b. of this section. A summons shall be served on the
10 alleged violator as soon as practicable if:

11 (1) after the seven days have elapsed from the date a correction
12 warning is issued, no correction has been made;

13 (2) a correction warning for the violation was previously issued
14 but has not been complied with; or

15 (3) the dog, domestic companion animal, or service animal
16 involved in the violation was seized immediately pursuant to
17 subsection b. of this section.

18 If the alleged violator is not the owner of the dog, domestic
19 companion animal, or service animal, the person issuing the
20 correction warning or summons, as applicable, shall also notify the
21 owner of the animal of the violation and provide the owner with a
22 copy of the issued correction warning or summons, as applicable.

23 g. Any summons issued for a violation of this act shall contain:

24 (1) a description of the violation and statutory authority;

25 (2) the penalty for the violation;

26 (3) contact information identifying, at a minimum (a) the name
27 of the investigating agency or office; (b) the name of the officer or
28 agent issuing the summons or investigating the alleged violation;
29 and (c) a telephone number for the investigating agency or office
30 and the investigating officer or agent;

31 (4) notice of the right to voluntarily forfeit ownership or custody
32 of the dog, domestic companion animal, or service animal;

33 (5) the action or actions required for compliance; and

34 (6) a written demand for immediate compliance.

35 h. Any humane law enforcement officer or agent of the New
36 Jersey Society for the Prevention of Cruelty to Animals or county
37 society for the prevention of cruelty to animals, certified animal
38 control officer, or other State or local law enforcement officer may
39 petition a court of competent jurisdiction to have a dog, domestic
40 companion animal, or service animal confiscated, if not previously
41 seized, and forfeited upon the person being found guilty of, or liable
42 for, a violation of this act. Upon a finding that continued
43 possession of the dog, domestic companion animal, or service
44 animal by the owner or other person authorized to have custody or
45 control of the animal poses a threat to the health or safety of the
46 animal, the court shall order that the animal be forfeited, placed in
47 an animal rescue organization facility, shelter, pound, or kennel
48 operating as a shelter or pound, and made available for adoption.

1 i. A person found guilty of, or liable for, a violation of any
2 provision of this act shall be responsible for, and pay, the
3 reasonable costs of caring for the dog, domestic companion animal,
4 or service animal from the date on which physical custody of the
5 animal was taken pursuant to this section until the date the animal is
6 surrendered, forfeited, returned, or euthanized, including, but not
7 limited to, the cost of transporting, sheltering, and feeding the
8 animal, the cost of providing the animal with necessary veterinary
9 care, and if the animal is euthanized, the cost of the euthanasia.

10
11 8. (New section) a. A violation of section 2, 4, or 5 of this act
12 shall constitute failure to provide necessary care pursuant to
13 R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the
14 applicable penalties set forth in those sections.

15 b. A person who violates section 3 of this act shall be subject
16 to:

17 (1) for a first offense, at the discretion of the court, a fine of
18 \$100; and

19 (2) for a second offense, at the discretion of the court, a fine of
20 \$200.

21 For a third or subsequent offense, the offense shall constitute
22 failure to provide necessary care pursuant to R.S.4:22-17 and
23 R.S.4:22-26, and a violator shall be subject to the applicable
24 penalties set forth in those sections.

25 c. Beginning on the fourth day after the date of issuance of a
26 summons for a violation pursuant to section 7 of this act, each 30-
27 day period that the owner or other person with custody or control of
28 the dog, domestic companion animal, or service animal is still in
29 possession of the animal and fails to comply with the requirements
30 of this act shall constitute a separate offense.

31 d. A court may, in its discretion, waive or reduce the amount of
32 any fine imposed for any violation of this act upon the violator
33 demonstrating compliance with this act in the manner as may be
34 prescribed by the court.

35
36 9. (New section) No provision of this act, or any rule or
37 regulation adopted pursuant thereto, shall be construed or applied to
38 limit any protection afforded to any dog pursuant to Title 2C of the
39 New Jersey Statutes or any other provisions of Title 4 of the
40 Revised Statutes, any other federal or State law, or rule or
41 regulation adopted pursuant thereto, or any local ordinance,
42 resolution, rule, or regulation.

43
44 10. Section 11 of P.L.1941, c. 151 (C.4:19-15.11) is amended to
45 read as follows:

46 11. License fees and other moneys collected or received under
47 the provisions of sections 3, 8, 9 and 16 of **【this act】** P.L.1941,
48 c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16),
49 except registration tag fees, shall be forwarded to the treasurer of

1 the municipality within 30 days after collection or receipt and shall
2 be placed in a special account separate from any of the other
3 accounts of the municipality and shall be used for the following
4 purposes only [;]: for collecting, keeping and disposing of dogs
5 liable to seizure under [this act] P.L.1941, c.151 (C.4:19-15.1 et
6 seq.) or under local dog control ordinances; for local prevention and
7 control of rabies; for providing antirabic treatment under the
8 direction of the local board of health for any person known or
9 suspected to have been exposed to rabies [;]; for payment of
10 damage to or losses of poultry and domestic animals, except dogs
11 and cats, caused by a dog or dogs; for compliance with the
12 requirements of subsection b. of section 6 of P.L. , c. (C.)
13 (pending before the Legislature as this bill); and for administering
14 the provisions of [this act] P.L.1941, c.151 (C.4:19-15.1 et seq.).
15 Any unexpended balance remaining in [such] the special account
16 shall be retained therein until the end of the third fiscal year
17 following and may be used for any of the purposes set forth in this
18 section. At the end of the [said] third fiscal year following, and at
19 the end of each fiscal year thereafter, there shall be transferred
20 from [such] the special account to the general funds of the
21 municipality any amount then in [such] the account which is in
22 excess of the total amount paid into [said] the special account
23 during the last [2] two fiscal years next preceding.

24 The registration tag fee for each dog shall be forwarded within
25 30 days after collection by the clerk or other official designated to
26 license dogs to the State Department of Health which department
27 shall forward [said] the sum to the State Treasurer who shall place
28 all such moneys in a special account for use only by the State
29 Department of Health in administering of [this act] P.L.1941, c.151
30 (C.4:19-15.1 et seq.) and for the prevention and control of rabies
31 throughout the State, and such account is hereby declared to be a
32 trust fund not subject to legislative appropriation. At the end of the
33 third fiscal year following the adoption of [this act] P.L.1941,
34 c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year
35 thereafter, there shall be withdrawn from this trust fund and
36 transferred to the general funds of the State any amount then in
37 [such] the trust fund which is in excess of the total amount paid
38 into [such] the trust fund during the last [2] two fiscal years next
39 preceding.

40 (cf: P.L.1981, c.235, s.3)

41

42 11. This act shall take effect immediately.