

House Bill 2724

Sponsored by Representative TOMEI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates offense of animal endangerment. Punishes by maximum fine of \$360.

Directs Department of Transportation to include information about dangers of leaving cats and dogs unattended in motor vehicles in publications intended for use by applicants for driver licenses and driver permits.

A BILL FOR AN ACT

1
2 Relating to animal endangerment.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 4 of this 2011 Act are added to and made a part of the Oregon**
5 **Vehicle Code.**

6 **SECTION 2. (1) A person commits the offense of animal endangerment if the person**
7 **leaves a cat or dog in a motor vehicle that is parked under conditions that endanger the**
8 **health or well-being of the cat or dog due to heat or cold.**

9 **(2) A police officer or animal control officer may remove a cat or dog from a motor ve-**
10 **hicle if the animal's safety appears to be in immediate danger from heat or cold that could**
11 **reasonably be expected to cause suffering, disability, or death to the animal.**

12 **(3) A police officer or animal control officer who removes a cat or dog from a motor ve-**
13 **hicle shall take the cat or dog to an animal shelter or other place of safekeeping or, if the**
14 **officer deems necessary, to a veterinary hospital for treatment.**

15 **(4) A police officer or animal control officer is authorized to take all steps that are rea-**
16 **sonably necessary for the removal of a cat or dog from a motor vehicle, including, but not**
17 **limited to, breaking into the motor vehicle, after a reasonable effort to locate the operator**
18 **of the motor vehicle.**

19 **(5) A police officer or animal control officer who removes a cat or dog from a motor ve-**
20 **hicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written**
21 **notice bearing his or her name and contact information, and the address of the location**
22 **where the animal can be claimed. The animal may be claimed by the animal's owner after**
23 **payment of all charges that have accrued for the maintenance, care, medical treatment or**
24 **impoundment of the animal. However, an owner may not be prohibited from claiming the**
25 **animal because of inability to pay.**

26 **(6) As used in this section, "animal control officer" has the meaning given that term in**
27 **ORS 609.500.**

28 **(7) The offense of animal endangerment is a Class B traffic violation.**

29 **SECTION 3. (1) When a citation is issued for an offense under section 2 of this 2011 Act,**
30 **a rebuttable presumption exists that the registered owner of the motor vehicle is the owner**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of the cat or dog left in the motor vehicle.

2 (2) A person issued a citation for an offense under section 2 of this 2011 Act may respond
3 to the citation by submitting a certificate of innocence or a certificate of nonliability under
4 subsection (3) of this section or any other response allowed by law.

5 (3)(a) A registered owner of a motor vehicle may respond by mail to a citation issued for
6 an offense under section 2 of this 2011 Act by submitting, within 30 days from issuance of
7 the citation, a certificate of innocence swearing or affirming that the registered owner was
8 not the owner of the cat or dog. A jurisdiction that receives a certificate of innocence under
9 this paragraph shall dismiss the citation without requiring a court appearance by the regis-
10 tered owner or any other information from the registered owner other than the swearing
11 or affirmation.

12 (b) If a business or public agency responds to a citation issued for an offense under sec-
13 tion 2 of this 2011 Act by submitting, within 30 days from the issuance of the citation, a
14 certificate of nonliability stating that at the time of the alleged violation the vehicle was in
15 the custody and control of an employee or was in the custody and control of a renter or
16 lessee under the terms of a motor vehicle rental agreement or lease, and if the business or
17 public agency provides the driver license number, name and address of the employee, renter
18 or lessee, the citation shall be dismissed with respect to the business or public agency. The
19 citation may then be reissued and delivered by mail or otherwise to the employee, renter or
20 lessee identified in the certificate of nonliability.

21 (4) A registered owner or an employee, renter or lessee against whom a judgment for
22 failure to appear is entered may move the court to relieve the owner or the employee, renter
23 or lessee from the judgment as provided in ORS 153.105 if the failure to appear was due to
24 mistake, inadvertence, surprise or excusable neglect.

25 **SECTION 4.** In any publication the Department of Transportation creates that is in-
26 tended for the instruction of applicants for driver licenses and driver permits, the depart-
27 ment shall include information about the dangers of leaving cats and dogs in motor vehicles
28 under conditions that endanger the health or well-being of an animal due to heat or cold.

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