

SENATE BILL NO. 329—SENATORS TOWNSEND AND TITUS

MARCH 19, 2007

Referred to Committee on Natural Resources

SUMMARY—Prohibits certain activities relating to the transportation and possession of animals in motor vehicles. (BDR 50-950)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to animals; prohibiting a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle in a manner that endangers the health or safety of the cat or dog; authorizing a peace officer to use force to remove a cat or dog from a motor vehicle under certain circumstances; prohibiting an operator of a motor vehicle from allowing an animal to ride upon or within a portion of the motor vehicle under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person is prohibited from instigating, engaging in or in any way furthering an act of cruelty to an animal. (NRS 574.100) Such an act includes, without limitation, unjustifiably injuring or maiming an animal or carrying an animal in a vehicle in a cruel or inhuman manner. (NRS 574.100, 574.190)

Section 2 of this bill makes it a misdemeanor for a person to allow a cat or dog to remain unattended in a parked or standing car during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

Section 2 authorizes a peace officer and certain other persons to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. **Section 3** of this bill makes it a misdemeanor for an operator of a motor vehicle to allow an animal to ride upon or within any portion of the motor vehicle that is primarily designed or intended for carrying goods or cargo unless that portion of the motor vehicle is entirely closed or equipped with appropriate racks or the animal is tethered or caged safely in that portion of the motor vehicle.



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Section 5 of this bill provides that the existing general exemptions from the provisions of chapter 574 of NRS also apply to the activities specified in sections 2 and 3 of this bill. Those exemptions include, without limitation, the handling, housing and transporting of livestock or farm animals.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.*

2. *Any:*

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;

(c) Animal control officer;

(d) Governmental officer or employee whose primary duty is to ensure public safety;

(e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

↪ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. *The provisions of subsection 1 do not apply to:*

(a) A police animal or an animal that is used by a federal law enforcement agency to assist the agency in carrying out the duties of the agency;

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency; or

(c) A dog that is transported or used for hunting a species of game mammal:

(1) During the season for hunting that species of game mammal; and

(2) By a person who is the holder of a license or tag to hunt that species of game mammal during that season.

4. *A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog*



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1 *specified in that section and is entitled to any lien or immunity*
2 *from liability that is applicable pursuant to that section.*

3 5. *A person who violates a provision of subsection 1 is guilty*
4 *of a misdemeanor.*

5 **Sec. 3. 1.** *Except as otherwise provided in subsection 2, an*
6 *operator of a motor vehicle shall not allow an animal to ride upon*
7 *or within any portion of the motor vehicle which is primarily*
8 *designed or intended for carrying goods or other cargo or which is*
9 *otherwise not designed or intended for the use of passengers,*
10 *including, without limitation, the bed of a pickup truck, unless:*

11 (a) *That portion of the motor vehicle is entirely enclosed or is*
12 *equipped with side and tail racks that are at least 46 inches in*
13 *height and extend vertically from the floor of that portion of the*
14 *motor vehicle; or*

15 (b) *The animal is tethered or caged in a manner that prevents*
16 *the animal from jumping, falling or being thrown or hung from*
17 *the motor vehicle.*

18 2. *The provisions of subsection 1 do not apply to:*

19 (a) *A police animal or an animal that is used by a federal law*
20 *enforcement agency to assist the agency in carrying out the duties*
21 *of the agency;*

22 (b) *A dog that is under the possession or control of:*

23 (1) *An animal control officer; or*

24 (2) *A first responder during an emergency; or*

25 (c) *A dog that is transported or used for hunting a species of*
26 *game mammal:*

27 (1) *During the season for hunting that species of game*
28 *mammal; and*

29 (2) *By a person who is the holder of a license or tag to hunt*
30 *that species of game mammal during that season.*

31 3. *An operator of a motor vehicle who violates a provision of*
32 *subsection 1 is guilty of a misdemeanor.*

33 **Sec. 4.** *NRS 574.050 is hereby amended to read as follows:*

34 574.050 *As used in NRS 574.050 to 574.200, inclusive ~~H~~ ,*
35 *and sections 2 and 3 of this act:*

36 1. *“Animal” does not include the human race, but includes*
37 *every other living creature.*

38 2. *“First responder” means a person who has successfully*
39 *completed the national standard course for first responders.*

40 3. *“Police animal” means an animal which is owned or used*
41 *by a state or local governmental agency and which is used by a*
42 *peace officer in performing his duties as a peace officer.*

43 ~~B-1~~ 4. *“Torture” or “cruelty” includes every act, omission or*
44 *neglect, whereby unjustifiable physical pain, suffering or death is*
45 *caused or permitted.*



- 1 **Sec. 5.** NRS 574.200 is hereby amended to read as follows:
2 574.200 The provisions of NRS 574.050 to 574.510, inclusive,
3 *and sections 2 and 3 of this act* do not:
4 1. Interfere with any of the fish and game laws contained in
5 title 45 of NRS or any laws for the destruction of certain birds.
6 2. Interfere with the right to destroy any venomous reptiles or
7 animals, or any animal known as dangerous to life, limb or property.
8 3. Interfere with the right to kill all animals and fowl used for
9 food.
10 4. Prohibit or interfere with any properly conducted scientific
11 experiments or investigations which are performed under the
12 authority of the faculty of some regularly incorporated medical
13 college or university of this State.
14 5. Interfere with any scientific or physiological experiments
15 conducted or prosecuted for the advancement of science or
16 medicine.
17 6. Prohibit or interfere with established methods of animal
18 husbandry, including the raising, handling, feeding, housing and
19 transporting of livestock or farm animals.

