

JAN 21 2021

A BILL FOR AN ACT

RELATING TO ANIMAL ENDANGERMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that every year, hundreds
2 of pets tragically lose their lives when their owners leave them
3 alone in parked vehicles in extreme temperatures. Many pet
4 owners are unaware that even on a temperate day, the inside of a
5 parked vehicle can reach extreme temperatures within minutes.
6 According to the American Veterinary Medical Association, the
7 temperature inside a vehicle with all the windows closed can hit
8 eighty-nine degrees in just ten minutes. On a hot day, the
9 temperature inside of a closed vehicle can reach as high as one
10 hundred fourteen degrees in the same amount of time. While
11 humans can cool themselves by relying on an extensive system of
12 sweat glands and evaporation, pet animals have a harder time
13 staying cool, leaving them extremely vulnerable to heat stroke.
14 Therefore, leaving pet animals in vehicles can cause severe
15 dehydration and even death.

16 The purpose of this Act is to prohibit leaving animals in
17 unattended vehicles and to allow certain public officials and



1 private citizens to rescue pet animals in unattended vehicles if
2 certain conditions are met, including having a good-faith,
3 reasonable belief that the animal is in imminent danger.

4 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§711- _____ **Confinement of a pet animal in an unattended**
8 **vehicle; permitted protection and rescue of an animal;**
9 **penalties.** (a) A person shall not confine a pet animal in an
10 unattended vehicle in a manner that could reasonably be expected
11 to threaten the health and well-being of a pet animal due to
12 conditions that include but are not limited to exposure to
13 extreme heat, extreme cold, or ventilation.

14 (b) After making reasonable efforts to locate the
15 unattended vehicle's owner, an animal control officer, law
16 enforcement officer, or firefighter may enter a vehicle by any
17 reasonable means to protect the health and safety of a pet
18 animal who is endangered by confinement in an unattended
19 vehicle. A law enforcement officer, animal control officer, or
20 firefighter may enter the unattended vehicle for the sole
21 purpose of assisting the pet animal and shall not search the



1 vehicle or seize items found in the vehicle unless otherwise
2 permitted by law.

3 (c) An animal control officer, law enforcement officer, or
4 firefighter who removes or otherwise retrieves a pet animal
5 under this section shall:

6 (1) Leave written notice in a secure and conspicuous
7 location or in the vehicle bearing the officer's or
8 fire fighter's name and title and the address of the
9 location where the pet animal may be retrieved; and

10 (2) Deliver the pet animal to a veterinary hospital or
11 animal clinic for a health screening and treatment.

12 (d) An animal control officer, law enforcement officer, or
13 firefighter who removes or otherwise retrieves a pet animal from
14 an unattended vehicle pursuant to subsection (b) and the agency
15 or municipality that employs the officer or fire fighter shall
16 be immune from criminal or civil liability that might otherwise
17 result from the removal.

18 (e) After making reasonable efforts to locate an
19 unattended vehicle's owner, a person other than an animal
20 control officer, law enforcement officer, or firefighter may
21 enter an unattended vehicle to remove a pet animal to protect



1 the health and safety of that pet animal; provided that the
2 person:

3 (1) Determines that the unattended vehicle is locked and
4 there are no reasonable means of egress for the pet
5 animal from the vehicle;

6 (2) Has a good faith and reasonable belief, based upon
7 known circumstances, that entry into the unattended
8 vehicle is reasonably necessary to prevent imminent
9 danger or harm to the pet animal;

10 (3) Attempts to contact law enforcement who can
11 immediately act to retrieve the pet animal or calls
12 911 before entering the unattended vehicle;

13 (4) Shall not use more force than reasonably necessary to
14 enter the unattended vehicle and remove the pet
15 animal; and

16 (5) Remains with the pet animal in a safe location in
17 reasonable proximity to the unattended vehicle until
18 law enforcement or another first responder arrives.

19 (f) A person who removes an animal from an unattended
20 vehicle pursuant to subsection (e) shall be immune from criminal
21 or civil liability that might otherwise result from the removal.



1 (g) A violation of this section shall be punished by a
2 fine of not more than \$150 for a first offense, by a fine of not
3 more than \$300 for a second offense, and by a fine of not more
4 than \$500 for a third or subsequent offense.

5 (h) The owner may retrieve the pet animal removed from the
6 unattended vehicle pursuant to this section only after payment
7 of all charges that have accrued for the maintenance, care,
8 medical treatment, and impoundment of the animal.

9 (i) For the purposes of this section:

10 "Extreme cold" means a low temperature, inside or outside
11 of a vehicle that could endanger a pet animal's health or well-
12 being.

13 "Extreme heat" means a high temperature, inside or outside
14 of a vehicle, that could endanger a pet animals' health or well-
15 being.

16 "Person" means an individual, partnership, corporation,
17 association, governmental entity, or other legal entity.

18 "Pet animal" shall have the same meaning as defined in
19 section 711-1100.

20 "Unattended vehicle" means a vehicle that is out of sight
21 of the vehicle owner or operator.



S.B. NO. 51

1 "Vehicle" means a car, truck, camper, or other form of
2 transportation in which a pet animal can be transported."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 51

Report Title:

Animal Endangerment; Pet Animals; Unattended Vehicles;
Confinement; Immunity

Description:

Prohibits confining a pet animal in a manner that endangers their health or safety. Permits law enforcement officers, animal control officers, and first responders to enter an unattended vehicle to rescue a pet animal if there is a good-faith, reasonable belief that the pet animal is in imminent danger. Allows private citizens to rescue a pet animal that has been left in an unattended vehicle under certain circumstances.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

