
A BILL FOR AN ACT

RELATING TO UNATTENDED ANIMALS IN MOTOR VEHICLES.

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

1 SECTION 1. Chapter 291C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291C- Unattended animals in motor vehicles;
5 limitation of liability. (a) Any person who observes an animal
6 left unattended in a motor vehicle and determines that the
7 unattended animal is in physical danger:

8 (1) Shall first contact county emergency services or an
9 organization contracted by a county for animal control
10 before forcibly entering the motor vehicle; and

11 (2) If county emergency services or the contracted
12 organization under paragraph (1) does not respond to
13 the person in a reasonable time, then the person may
14 use whatever means are reasonably necessary to protect
15 the animal and remove the animal from the motor
16 vehicle.



1 (b) A person who removes the animal from the motor vehicle
2 in accordance with subsection (a) shall not be civilly or
3 criminally liable for actions taken reasonably and in good faith
4 if the person:

5 (1) Determines that the motor vehicle is locked or there
6 is otherwise no reasonable manner for the animal to be
7 removed from the motor vehicle;

8 (2) Has a good faith belief that forcible entry into the
9 motor vehicle is necessary because the animal is in
10 imminent physical danger of suffering harm if the
11 animal is not immediately removed from the motor
12 vehicle, and, based upon the circumstances known to
13 the person at the time, the belief is a reasonable
14 one;

15 (3) Contacts county emergency services or an organization
16 contracted by a county for animal control before
17 forcibly entering the motor vehicle or soon
18 thereafter;

19 (4) Remains with the animal in a safe location, out of the
20 elements but reasonably close to the motor vehicle,



1 until a county animal control officer or other
2 emergency responder arrives;
3 (5) Uses no more force to enter the motor vehicle and
4 remove the animal from the motor vehicle than is
5 necessary under the circumstances; and
6 (6) Immediately turns the animal over to the county animal
7 control officer or other emergency responder who
8 responds to the scene.
9 (c) This section shall not prevent a county animal control
10 officer or other emergency responder from removing an animal
11 from a motor vehicle if the responder determines the unattended
12 animal is in physical danger.
13 (d) A county animal control officer or other emergency
14 responder who removes an animal from a motor vehicle, or who
15 takes possession of an animal that has been removed from a motor
16 vehicle, shall take the animal to an animal shelter or other
17 place of safekeeping or, if the responder deems necessary, to a
18 veterinary hospital for treatment. The owner of the animal
19 removed from a motor vehicle shall pay for expenses of
20 collecting, keeping, and feeding the animal if the animal is not
21 claimed within twenty-four hours of the animal being taken into

1 custody. The moneys shall be paid to the county director of
2 finance to defray expenses of collecting, keeping, and feeding
3 the animal.

4 (e) A county animal control officer or other emergency
5 responder may take all steps that are reasonably necessary for
6 the removal of an animal from a motor vehicle, including but not
7 limited to breaking into the motor vehicle, after a reasonable
8 effort to locate the owner or other person responsible.

9 (f) A county animal control officer or other emergency
10 responder who removes an animal from a motor vehicle shall, in a
11 secure and conspicuous location on or within the motor vehicle,
12 leave written notice bearing the responder's name and office,
13 and the address of the location where the animal can be claimed.
14 The animal may be claimed by the owner or owner's designee only
15 after payment of all charges that have accrued for the
16 maintenance, care, medical treatment, or impoundment of the
17 animal.

18 (g) The owner shall be guilty of animal desertion under
19 section 143-2.6 if the owner or owner's designee does not demand
20 or claim the animal within twenty-four hours of the animal being
21 taken into custody.



1 (h) This section shall apply upon highways and elsewhere
2 throughout the State.

3 (i) For purposes of this section, "animal control officer"
4 means the persons appointed and compensated by the counties
5 pursuant to section 143-7."

6 SECTION 2. New statutory material is underscored.

7 SECTION 3. This Act shall take effect on July 1, 2050.

8



H.B. NO. 1715
H.D. 1

Report Title:

Unattended Animals in Motor Vehicles; Limitation of Civil and Criminal Liability; Good Samaritan

Description:

Limits civil and criminal liability for persons who remove from motor vehicles unattended animals that are in physical danger; provided the person's actions are reasonable, in good faith, and in accordance with other requirements. Effective July 1, 2050.
(HD1)

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