

**HB-1513**

Submitted on: 2/13/2023 9:44:57 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cathy Goeggel	Animal Rights Hawai'i	Support	Written Testimony Only

Comments:

ARH strongly supports HB1513 .

Mahalo

## TESTIMONY OF ALISON UEOKA

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COMMITTEE ON AGRICULTURE & FOOD SYSTEMS  
Representative Cedric Asuega Gates, Chair  
Representative Kirstin Kahaloe, Vice Chair

Wednesday, February 15, 2023  
9:00 a.m.

### **HB 1513**

Chair Gates, Vice Chair Kahaloe, and members of the Committee on Agriculture & Food Systems, my name is Alison Ueoka, President of the Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **opposes** this bill. Although the intent of the bill is to protect unattended animals locked in motor vehicles, we believe this legislation will lead to property damage by average citizens based on subjective judgment of whether the animal is in "imminent physical danger of suffering harm." Allowing persons to "use whatever means are reasonably necessary to protect the animal and remove the animal from the motor vehicle" may also cause a confrontation between the operator of the motor vehicle and the person attempting to get at the animal. This confrontation may lead to a physical altercation and could result in unnecessary violence and injury. Costs for example, from broken windows or physical harm will affect certain motor vehicle coverages and those costs will ultimately be borne by the insured public.

Instead, we believe the appropriate response to this situation is to call 911 and report it to the police. We ask that this bill be held.

Thank you for the opportunity to testify.



# Environmental Caucus of The Democratic Party of Hawai'i

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AGR\_02-15-23

## COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Rep. Cedric Asuega Gates, Chair

Rep. Kirstin Kahaloa, Vice Chair

Concerning: HB1513 relating to unattended animals in motor vehicles

Position: Support

The Environmental Caucus Supports this Bill

With the constantly increasing heat we have been experiencing due to climate change there has been an uptick in animals being left in cars without shade or enough airflow to keep them alive.

These situations are usually a mistake by the pet/car owner because they do not realize how quickly their car can heat up or how high the temperature can rise in that time. Sometimes they do not plan to be gone as long as they are gone. However all of these error, although unintentional can result in a dead or very sick pet.

Sometimes one can call a cop and they get there soon enough, or you can ask a store manager to make an announcement, but a Good Samaritan should not be punished for saving the life of a distressed animal.

This may help good people save the lives of animals whose owners are either careless or ignorant or just made a poor judgement call from returning to a car and finding a dead pet.

Martha Randolph for the Environmental Caucus



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February 15, 2023

**Memorandum in Support – HB 1513**

*Limits civil and criminal liability for persons who remove unattended animals from motor vehicles that are in physical danger if the actions are reasonable, in good faith, and in accordance with other requirements.*

Dear Chair Gates, Vice Chair Kahaloa, and Members of the House Committee on Agriculture and Food Systems,

The Animal Legal Defense Fund (ALDF) - the nation's preeminent legal advocacy organization for animals – and its members in Hawaii, support the enactment of HB 1513. This bill aims to limit civil and criminal liability to Good Samaritans who rescue domestic animals in distress from motor vehicles under certain circumstances. With so many tragic stories of companion animals dying in the heat, the public is becoming more cognizant of the danger of leaving animals in hot cars. And Hawaii is a state that experiences hotter temperatures than most year-round. By passing this bill, Hawaii would join 14 other states in helping save animals from unnecessary deaths.

People often leave their companion animals locked in their car while they run an errand, not realizing that temperatures inside vehicles can rise dangerously quickly. Even on a cloudy day with the windows cracked, conditions inside a car may turn lethal for any animals trapped inside within a matter of minutes. Dogs and other companion animals are particularly vulnerable to heatstroke because they cannot cool themselves like humans and have a harder time maintaining a comfortable body temperature.

This bill does not prescribe criminal penalties for the owner of the vehicle who leaves an animal in the car in dangerous conditions. It solely removes civil and criminal liability from the Good Samaritan who intervenes. In addition, in order to avoid liability, the Good Samaritan will have had to act in accordance with the commonsense steps outlined in the bill to ensure they have tried all other measures before breaking the window.

Further, there has been no evidence that the passage of these kinds of bills would result in a rash of car window smashing across the state. This bill protects the average constituent who wants to do the right thing, and probably would not stand idly by while a dog is in distress anyway despite the current absence of this law. This bill would simply protect them under the outlined limited circumstances.

For these reasons, the Animal Legal Defense Fund strongly supports the enactment of HB 1513 and respectfully requests that it be passed by this committee.

Sincerely,

Lindsay Vierheilig  
Legislative Affairs Program Fellow  
Animal Legal Defense Fund  
[lvierheilig@aldf.org](mailto:lvierheilig@aldf.org)

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**Hawaiian Humane Society**  
*People for animals. Animals for people.*

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Date: Feb. 13, 2023

To: Chair Rep. Cedric Asuega Gates  
Vice Chair Rep. Kirstin Kahaloa  
and Members of the Committee on Agriculture

Submitted By: Stephanie Kendrick, Director of Community Engagement  
Hawaiian Humane Society, 808-356-2217

RE: Comments on HB 1513:  
Relating to Unattended Animals in Motor Vehicles  
Wednesday, Feb. 15, 2023, 9:00 a.m., Room 325 & Videoconference

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Aloha Chair Gates, Vice Chair Kahaloa, and Committee Members.

The Hawaiian Humane Society appreciates the opportunity to offer comments on House Bill 1513, which limits civil and criminal liability for persons who remove unattended animals from motor vehicles that are in physical danger if the actions are reasonable, in good faith, and in accordance with other requirements.

The Hawaiian Humane Society is deputized to enforce animal laws for the City and County of Honolulu. We are also a member of the Hawaii Animal Welfare Association, which represents the animal service providers across the state. Neither Hawaiian Humane nor its colleagues in the other counties could find evidence of animals being harmed due to an inadequate law enforcement response to calls about animals locked in cars.

In addition, this bill may constrain the existing authority of law enforcement in these cases by requiring - on page 5, lines 15 and 16 - that a reasonable effort to locate the owner must proceed the rescue of the animal. Emergency responders do make that effort now if time allows, but they have the discretion to act immediately.

We appreciate the compassion of the advocates for this measure, but we can find no evidence that the current law enforcement response is inadequate to protect animals.

Mahalo for the opportunity to offer comments on HB 1513.

**HB-1513**

Submitted on: 2/13/2023 11:05:23 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Please pass this common-sense bill!

Aloha,

Lisa

**HB-1513**

Submitted on: 2/13/2023 11:25:41 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mayumi Coloma	Individual	Support	Written Testimony Only

Comments:

Aloha. I write in support of HB1513. I am concerned when I see dogs locked in vehicles in full sunlight on a warm or hot day. I recognize that newer models of cars may have the capacity for the air conditioning to be on while the vehicle is unattended, but if I have reason to believe there is no a/c and it's a hot day, I'd like to know that I would be protected under the law in case I felt the need to intervene, for ethical reasons. In the past I've called a police officer to assist when I've had any doubt, but sometimes the officers are not immediately available to assist. If this law does pass, I think it would (also) be helpful for there were a public service campaign to ensure that dog owners post signage for their car window(s), to indicate their animals are safe and cool (with air conditioning) in their (newer) vehicles when unattended, to avoid further liability on the Good Samaritan. And also to clearly delineate for the public, what constitutes a "hot day", and what sort of air flow would be appropriate and safe if a dog or other animal had to be left unattended in their vehicle at all. For example, many believe a "crack" open in the windows would suffice, but a veterinarian will tell you that just a few inches of air flow in a window or two is not enough for a vehicle to be sufficiently cool if the temperature is, for example, 80+ degrees-- the animals' lives could still be at risk. Thank you for this opportunity to submit my testimony.

**HB-1513**

Submitted on: 2/13/2023 12:08:05 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paige Hopp	Individual	Support	Written Testimony Only

Comments:

I am in agreement with this Bill. Good samaritans should not be held liable for saving an animal's life from an unattended car.



**HB-1513**

Submitted on: 2/13/2023 4:26:25 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Courtney Gomes	Individual	Support	Written Testimony Only

Comments:

I strongly support HB1513. If an animals life is on the line I feel it is within good reason to provide them the relief and safety out of a vehicle scenario that is deemed life threatening. Vehicles reach extreme temperatures and pets do not have the same capability to regulate their body temperature as humans do. They also are not capable of escaping from the vehicle when experiencing high levels of fear, dehydration and distress. I believe that citizens should not be liable when assisting a pet in distress in this way and also if an attempt to contact enforcement is made to further support the animal, the pet owner should not hold the individual accountable either. For these reasons I am in full support of HB1513.

**HB-1513**

Submitted on: 2/14/2023 7:19:45 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Support. Thank you.

**HB-1513**

Submitted on: 2/14/2023 9:02:05 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lea Hollingsworth-Ramsey	Individual	Oppose	In Person

Comments:

I oppose HB 1513. While I understand the basis of this is to protect the actions of "Good Samaritans" that are trying to rescue a dog in need. I can tell you first hand, people are real quick to jump to conclusions without knowing all the details.

Sometimes the windows are left half open instead of fully open while the owner steps away for a few minutes because the dog is aggressive. Who is liable if the "Good Samaritan" gets bit trying to save a dog that doesn't need saving? Or, if the dog runs off and attacks someone else? Is it the owner, or the Samaritan whose actions caused the dog to escape? What if the dog runs off and is injured? Who is responsible for the veterinarian bills?

This bill does not address those issues.

The other area of concern is pet theft. Someone could enter and damage a vehicle to steal a dog, and use the excuse that they were "saving it", even though the dog was perfectly fine. The bill would protect the criminal in this situation, and make it easier for them to engage in these sorts of activities without any responsibility or penalties' for the damage they cause.

Therefore, since there are a lot of ambiguities that need to be clarified with this bill, I urge you to OPPOSE HB 1513.

Aloha and mahalo,

Lea Hollingsworth-Ramsey

**HB-1513**

Submitted on: 2/14/2023 10:12:50 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Love	Individual	Support	Written Testimony Only

Comments:

I feel that good Samaritans acting in good faith should be protected from prosecution.

However, feel that if good Samaritans must act to protect animal lives then the car owner and pet owner both should have charges filed against them for animal neglect and=or cruelty.

Thank you,

Mrs Ruth Love

February 15, 2023

Members of the House Agriculture Committee:

The Pacific Pet Alliance is a Hawai'i non-profit organization that promotes responsible pet ownership through education and advocacy.

The Pacific Pet Alliance (PPA) would like to submit concerns for your consideration regarding HB 1513.

PPA aligns with the American Kennel Club's views that no dog should be left in a vehicle if its comfort, health, and safety is in question. "Good Samaritan" legislation must provide a balanced approach that protects both the health and safety of dogs and the interests of responsible dog owners.

We are concerned that HB 1513 could lead to unintended consequences that could actually harm animals and punish responsible owners, and should be amended to allow for recourse for an owner who did take proper steps to ensure their animal's safety was protected (such as proper ventilation, air conditioning, blankets, or other protocols appropriate for the breed). Owners should also be exempt from liability for their dog harming someone as a result of breaking into the vehicle, which would be especially important if the animal flees the car and becomes at-large.

The Pacific Pet Alliance respectfully asks this committee to consider these concerns when deciding on HB 1513.

Lynn Muramaru  
Board Member  
Pacific Pet Alliance