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



1           The purpose of this Act is to allow certain public  
2 officials and private citizens to rescue pet animals in  
3 unattended vehicles if certain conditions are met.

4           SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7           "§708-    Unattended vehicle; permitted protection and  
8 rescue of an animal; removal or retrieval; immunity; criminal  
9 liability.   (1) An animal control officer, law enforcement  
10 officer, or firefighter who removes or otherwise retrieves a pet  
11 animal from an unattended vehicle pursuant to this section, and  
12 the agency or county that employs the officer or firefighter,  
13 shall be immune from criminal liability that might otherwise  
14 result from the removal or retrieval.

15           (2) A person who removes or otherwise retrieves a pet  
16 animal from an unattended vehicle pursuant to this section shall  
17 be immune from criminal liability that might otherwise result  
18 from the removal or retrieval.

19           (3) After making reasonable efforts to locate the  
20 unattended vehicle's owner or operator, an animal control  
21 officer, law enforcement officer, or firefighter may enter a



1 vehicle by any reasonable means to protect the health, safety,  
2 or well-being of a pet animal that is endangered by being left  
3 or confined in an unattended vehicle. A law enforcement  
4 officer, animal control officer, or firefighter may enter the  
5 unattended vehicle for the sole purpose of removing or otherwise  
6 retrieving the pet animal and shall not search the vehicle or  
7 seize items found in the vehicle, unless otherwise permitted by  
8 law.

9 (4) An animal control officer, law enforcement officer, or  
10 firefighter who removes or otherwise retrieves a pet animal  
11 under this section shall:

12 (a) Leave written notice in a secure and conspicuous  
13 location or in the vehicle bearing the officer's or  
14 firefighter's name and title and the address of the  
15 location at which the pet animal may be retrieved; and

16 (b) Deliver the pet animal to a veterinary hospital or  
17 animal clinic for a health screening and treatment.

18 (5) An animal control officer, law enforcement officer, or  
19 firefighter who removes or otherwise retrieves a pet animal from  
20 an unattended vehicle pursuant to subsections (3) and (4), and  
21 the agency or county that employs the officer or firefighter,



1 shall be immune from civil liability that might otherwise result  
2 from the removal or retrieval; provided that nothing in this  
3 subsection shall be construed to protect any person from suit or  
4 liability for any damage, loss, or injury caused by negligent,  
5 intentional, wilful, or wanton conduct of the person.

6 (6) After making reasonable efforts to locate an  
7 unattended vehicle's owner or operator, a person other than an  
8 animal control officer, law enforcement officer, or firefighter  
9 may enter an unattended vehicle to remove or otherwise retrieve  
10 a pet animal to protect the health, safety, or well-being of the  
11 pet animal; provided that the person:

12 (a) Determines that the unattended vehicle is locked and  
13 there are no reasonable means of egress for the pet  
14 animal from the vehicle;

15 (b) Has a good faith and reasonable belief, based upon  
16 known circumstances, that entry into the unattended  
17 vehicle is reasonably necessary to prevent imminent  
18 danger or harm to the pet animal;

19 (c) Calls 911 to coordinate the removal or retrieval of  
20 the pet animal with law enforcement, animal control,  
21 or fire department, or, if unable to reach those



1 authorities through a 911 call, otherwise makes

2 reasonable attempts to contact those authorities;

3 (d) Shall not use more force than reasonably necessary to

4 enter the unattended vehicle and remove or otherwise

5 retrieve the pet animal; and

6 (e) Remains with the pet animal in a safe location in

7 reasonable proximity to the unattended vehicle until

8 law enforcement or another first responder arrives.

9 (7) A person who removes or otherwise retrieves an animal

10 from an unattended vehicle pursuant to subsection (6) shall be

11 immune from civil liability that might otherwise result from the

12 removal or retrieval; provided that nothing in this subsection

13 shall be construed to protect any person from suit or liability

14 for any damage, loss, or injury caused by negligent,

15 intentional, wilful, or wanton conduct of the person.

16 (8) The owner of the pet animal may retrieve the pet

17 animal that was removed or otherwise retrieved from the

18 unattended vehicle pursuant to this section only after payment

19 of all charges that have accrued for the maintenance, care,

20 medical treatment, and impoundment of the pet animal.

21 (9) For the purposes of this section:



1 "Pet animal" has the same meaning as in section 711-1100.

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

4 SECTION 3. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

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

**Description:**

Allows law enforcement officers, animal control officers, and firefighters to enter an unattended vehicle to protect the health, safety, or well-being of a pet animal that is endangered by being left or confined in an unattended vehicle. Allows private citizens to rescue a pet animal that has been left in an unattended vehicle under certain circumstances. Effective 7/1/3000. (HD1)

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

