
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. 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 legislature further finds that immediate action is
17 necessary to protect the lives of animals trapped in hot motor



1 vehicles. To encourage bystanders to take immediate action and
2 render necessary aid, fourteen states have enacted good
3 Samaritan laws to limit the liability of private citizens who
4 rescue animals that have been left unattended in motor vehicles.

5 The purpose of this Act is to establish good Samaritan
6 protections for bystanders who rescue animals that have been
7 left unattended in motor vehicles.

8 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
9 amended by adding a new section to part I to be appropriately
10 designated and to read as follows:

11 "§663- Unattended animals in motor vehicles; limitation
12 of liability. (a) No cause of action shall arise nor shall any
13 liability be imposed against a person for any property damage or
14 trespass to a motor vehicle, if the damage was caused while the
15 person was rescuing an animal in accordance with section
16 708- , except for any acts or omissions that constitute wilful
17 misconduct.

18 (b) The immunity from civil liability for property damage
19 or trespass to a motor vehicle that is established by subsection
20 (a) shall not affect a person's civil liability or immunity from
21 civil liability for rendering aid to an animal."



1 SECTION 3. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 **"§708- Unattended animals in motor vehicles; limitation**
5 **of liability.** (a) Any person who observes an animal left
6 unattended in a motor vehicle and determines that the unattended
7 animal is in physical danger may use whatever means are
8 reasonably necessary to protect the animal and remove the animal
9 from the motor vehicle.

10 (b) A person who removes the animal from the motor vehicle
11 in accordance with subsection (a) shall not be criminally liable
12 for actions taken reasonably and in good faith if the person:

13 (1) Determines that the motor vehicle is locked or there
14 is otherwise no reasonable manner for the animal to be
15 removed from the motor vehicle;

16 (2) Has a good faith belief that forcible entry into the
17 motor vehicle is necessary because the animal is in
18 imminent physical danger of suffering harm if the
19 animal is not immediately removed from the motor
20 vehicle, and, based upon the circumstances known to



- 1 the person at the time, the belief is a reasonable
2 one;
- 3 (3) Contacts a county police department or other emergency
4 services or an organization contracted by a county for
5 animal control before forcibly entering the motor
6 vehicle or soon thereafter;
- 7 (4) Remains with the animal in a safe location, out of the
8 elements but reasonably close to the motor vehicle,
9 until a county police officer, firefighter, animal
10 control officer, or other emergency responder arrives;
- 11 (5) Uses no more force to enter the motor vehicle and
12 remove the animal from the motor vehicle than is
13 necessary under the circumstances; and
- 14 (6) Immediately turns the animal over to the county police
15 officer, firefighter, animal control officer, or other
16 emergency responder who responds to the scene.
- 17 (c) This section shall not prevent a county police
18 officer, firefighter, animal control officer, or other emergency
19 responder from removing an animal from a motor vehicle if the
20 responder determines the unattended animal is in physical danger
21 or poses a danger to others.



1 (d) A county police officer, firefighter, animal control
2 officer, or other emergency responder who removes an animal from
3 a motor vehicle, or who takes possession of an animal that has
4 been removed from a motor vehicle, shall take the animal to an
5 animal shelter or other place of safekeeping or, if the
6 responder deems necessary, to a veterinary hospital for
7 treatment. The owner of the animal removed from the motor
8 vehicle may be required to pay for charges that have accrued for
9 the maintenance, care, medical treatment, or impoundment of the
10 animal.

11 (e) A county police officer, firefighter, animal control
12 officer, or other emergency responder shall be authorized to
13 take all steps that are reasonably necessary for the removal of
14 an animal from a motor vehicle, including but not limited to
15 breaking into the motor vehicle, after a reasonable effort to
16 locate the owner or other person responsible.

17 (f) A county police officer, firefighter, animal control
18 officer, or other emergency responder who removes an animal from
19 a motor vehicle or who receives an animal rescued from a motor
20 vehicle from another person shall, in a secure and conspicuous
21 location on or within the motor vehicle, leave written notice



1 bearing the responder's name and office, and the address of the
2 location where the animal can be claimed. The animal may be
3 claimed by the owner only after payment of all charges that have
4 accrued for the maintenance, care, medical treatment, or
5 impoundment of the animal.

6 (g) For purposes of this section, "animal control officer"
7 means the persons appointed and compensated by the counties
8 pursuant to section 143-7."

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on June 30, 3000.



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 unattended animals from motor vehicles that are in physical danger if the actions are reasonable, in good faith, and in accordance with other requirements. Effective 6/30/3000. (HD1)

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

