

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 320

BY SENATORS FERNS, FACEMIRE, BALDWIN, CLINE,

PREZIOSO, AND TAKUBO

[Introduced January 18, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §7-10-6, relating to permitting a law-enforcement officer or humane officer to,
3 under certain circumstances, remove an animal from a motor vehicle; providing for the
4 safety of the animal; providing for how the animal may be claimed by its owner; defining a
5 term; and providing for a limitation of liability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. HUMANE OFFICERS.

§7-10-6. Removing an animal from a motor vehicle; requirements; liability exclusion; definition.

1 (a) A law-enforcement officer, as defined in §29-2-11a of this code or humane officer may
2 remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger
3 from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that
4 could reasonably be expected to cause suffering, disability, or death to the animal.

5 (b) A law-enforcement officer or humane officer who removes an animal from a motor
6 vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems
7 necessary, to a veterinary hospital for treatment.

8 (c) A law-enforcement officer or humane officer is authorized to take all steps that are
9 reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited
10 to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person
11 responsible for the vehicle.

12 (d) A law-enforcement officer or humane officer who removes an animal from a motor
13 vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written
14 notice bearing his or her name and office, and the address of the location where the animal can
15 be claimed. The animal may be claimed by the owner only after payment of all charges that have
16 accrued for the maintenance, care, medical treatment, or impoundment of the animal.

17 (e) No law-enforcement officer or humane officer who, in good faith, forcibly enters a motor
18 vehicle to remove an unattended animal pursuant to this section is liable for any property damage
19 to the vehicle entered or injury to the animal resulting from a forcible entry and removal of the
20 animal, unless the property damage or injury results from gross negligence or willful or wanton
21 misconduct.

NOTE: The purpose of this bill is to permit a law-enforcement officer or humane officer to remove an animal from a motor vehicle. The bill provides for the safety of the animal. The bill provides for how the animal may be claimed by its owner. The bill defines a term. The bill provides for a limitation of liability.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.