

## LOCAL LAW NO. "M" FOR 2024

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES

Introduced: 7/8/24

By Ward, Feeney, Plotsky, Beston, Cleary, Rosano, Ricard, Laurilliard, Lekakis, Burgdorf, Lockart, McLean Lane and Reidy:

A Local Law amending Chapter 288 of the Albany County Code to create penalties for driving with a pet positioned on the driver's lap, roaming freely in the driver's immediate area, obstructing the driver's view, interfering with vehicle control, or engaging in distracting behaviors for the driver.

BE IT ENACTED by the Albany County Legislature as follows:

#### Section 1. New Article Added.

This Local Law hereby amends Chapter 288 by adding a new Article V, titled **Welfare and Safety of Pets in Vehicles**.

#### Section 2. § 288-26, Title.

This Local Law shall be known as the "PAWS Law: Pets in Automobiles – Welfare and Safety."

#### Section 3. § 288-27, Legislative Purpose and Intent.

This Legislature recognizes the importance of ensuring the safety and well-being of both drivers and their pets while traveling on our roadways. Pets can be a source of distraction for drivers, diverting their attention away from the road and increasing the likelihood of accidents.

The Legislature acknowledges that driving with a pet on one's lap or allowing a pet to roam freely in the driver's immediate area can significantly impair a driver's ability to safely operate a motor vehicle. This behavior increases the risk of accidents, injuries, and fatalities for both vehicle occupants, other road users, and pedestrians. Prohibiting pets from sitting on the driver helps minimize distractions and contributes to safer driving conditions.

The current penalties for distracted driving, while valuable in addressing various forms of driver distraction, do not adequately address the specific danger posed by driving with a pet on one's lap or in the driver's immediate area. The risks associated



with this behavior are significant and warrant special attention and deterrent measures.

Therefore, the purpose of this Local Law is to promote responsible pet ownership and enhance public safety by prohibiting drivers from operating a motor vehicle with a pet on their lap, roaming freely in the driver's immediate area, obstructing the driver's view, or engaging in distracting behaviors.

#### **Section 4. § 288-28, Definitions.**

As used in this Local Law, the following terms shall have the meanings indicated:

“Distracted Driving” – Any activity that diverts attention from driving, including:

- Visual Distractions: Taking the driver's eyes off the road.
- Manual Distractions: Taking the driver's hands off the wheel.

For the purposes of this law, distracted driving specifically includes, but is not limited to, driving with a pet that is:

- Positioned on the driver's lap.
- Roaming freely in the driver's immediate/grabbable area.
- Obstructing the driver's view.
- Interfering with vehicle control.

“Pet” – Any domesticated animal that is commonly kept for companionship or household purposes, including but not limited to dogs, cats, rabbits, birds, and other similar animals.

“Driver's Immediate Area” – The space encompassing the driver's seat, including the driver's lap, shoulders, arms, and any part of the vehicle that the driver can directly reach while maintaining a seated driving position (also known as the “grabbable area”).

“Obstructing the Driver's View” – Any position or movement of a pet that blocks or limits the driver's ability to see the road, mirrors, instruments, or other vehicles.

“Distracting Behaviors” – Actions performed by a pet that divert the driver's attention from operating the vehicle safely, including but not limited to climbing onto the steering wheel, dashboard, or other areas that require the driver's focus.

“Interfering with Vehicle Control” – Any action or presence of a pet that hinders the driver's ability to operate the vehicle's steering, braking, accelerating, or other essential driving functions.

With this behavior are significant and warrant special attention and deterrence measures.

The purpose of this local law is to promote responsible pet ownership and enhance public safety by prohibiting drivers from operating a motor vehicle with a pet in their lap, reaching freely in the driver's immediate area, obstructing the driver's view, or engaging in distracting behavior.

Section 4: 250-25, Definitions.

As used in this local law, the following terms shall have the meanings indicated:

"Distracted Driving" - Any activity that diverts attention from driving, including:

- Visual Distraction: Taking the driver's eyes off the road.
- Manual Distraction: Taking the driver's hands off the wheel.

For the purposes of this local law, distracted driving specifically includes, but is not limited to:

- Texting while driving
- Talking on a handheld mobile phone
- Reaching for or using an object not within the driver's immediate reach
- Operating a secondary vehicle control

"Pet" - Any domesticated animal that is commonly kept for companionship or household purposes, including but not limited to dogs, cats, rabbits, birds, and other similar animals.

"Driver's Immediate Area" - The space encompassing the driver's seat, including the driver's lap, shoulders, arms, and any part of the vehicle that the driver can directly reach while maintaining a seated driving position (also known as the "grabble area").

"Obstructing the Driver's View" - Any position or movement of a pet that blocks or hinders the driver's ability to see the road, mirrors, instruments, or other vehicles.

"Distracting Behavior" - Actions performed by a pet that divert the driver's attention from operating the vehicle safely, including but not limited to climbing into the passenger wheel, dashboard, or other areas that require the driver's focus.

"Interfering with Vehicle Control" - Any action or movement of a pet that hinders the driver's ability to operate the vehicle's steering, braking, acceleration, or other essential driving functions.

## **Section 5. § 288-29, Prohibitions.**

- (A) No person shall operate a motor vehicle while a pet is positioned on their lap or within the driver's immediate/grabbable area. This shall not include a pet that is located on the front passenger seat.
- (B) No person shall operate a motor vehicle with a pet roaming freely in the driver's immediate/grabbable area, including on the driver's lap, shoulders, or arms.
- (C) No driver shall operate a motor vehicle with a pet obstructing the driver's view or interfering with their control of the vehicle in any way.
- (D) No driver shall operate a motor vehicle with a pet engaging in distracting behaviors.
- (E) This Local Law shall not apply in cases where a reasonable accommodation is provided under the Americans with Disabilities Act (ADA).

## **Section 6. § 288-30, Enforcement and Penalties for Offenses.**

- (A) Any person who breaches any provision of this article shall be guilty of a violation, punishable by a fine not exceeding \$250 for a first offense, and a fine not exceeding \$500 for each subsequent offense.
- (B) Any person who causes physical injury to another person or damage to real or personal property while violating any provision of this article shall be liable for the payment of restitution, as determined by a court of competent jurisdiction.

## **Section 7. Severability.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

## **Section 8. SEQRA Compliance.**

This County Legislature determines that this local law constitutes a "Type II action" pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

## **Section 9. Effective Date.**



This local law shall take effect 90 days following its filing with the Office of the Secretary of State.

*Referred to Law Committee – 7/8/24*

*Favorable Recommendation Law Committee – 7/24/24*

*Referred to Law and Public Safety Committees – 8/12/24*

*Favorable Recommendation Law Committee – 10/30/24*

*Favorable Recommendation Public Safety Committee – 11/12/24*

*On long roll call vote the following members voted in favor: Beston, Burgdorf, Cleary, Commisso, Conway, Cunningham, Efekoro, Ethier, Feeney, Fein, Grimm, A. Joyce, R. Joyce, Laurilliard, Lekakis, Lockart, Mauriello, Mayo, McLaughlin, McLean Lane, Miller, Pedro, Reidy, Reinhardt, Ricard, Robinson, Rosano, Simpson, Ward, Whalen and Willingham – 31*

*Those opposed – Domalewicz, Drake, Perlee and Smith – 4*

*Local Law was adopted – 11/12/24*

State of New York  
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 12<sup>th</sup> day of November, 2024, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



**IN WITNESS THEREOF**, I have hereunto set my hand and the official seal of the County Legislature this 14<sup>th</sup> day of November, 2024.

A handwritten signature in cursive script, reading "Nicole Chambers", is written over a horizontal line.

Clerk, Albany County Legislature

State of New York  
County of Albany

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