

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 and Lekakis:

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.
- Cognitive Distractions: Taking the driver’s mind off driving.
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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 area.
- Obstructing the driver’s view.
- Interfering with vehicle control.
- Engaging in behaviors that distract the driver.

“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.

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 area.
- (B) No person shall operate a motor vehicle with a pet roaming freely in the driver’s immediate 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 \$500 for a first offense, and a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 15 days, or both, 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

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