

Table of State Laws that Protect Animals Left in Parked Vehicles



- Author: Rebecca F. Wisch
- Publish Year: 2016
- Place of Publication: Michigan State University College of Law
- Primary Citation: Animal Legal & Historical Center

Summary: This table describes the laws that concern leaving a companion animal unattended in a parked vehicle. Approximately 22 states have laws that regulate this practice. Most of these laws provide that the animal must be confined or unattended in a parked or stationary vehicle. Further, the laws add that in order for a person to violate the law, the conditions have to endanger the animal's life. Under some state laws, law enforcement or other individuals are allowed to rescue animals left under extreme conditions.

Is it illegal to leave your dog in a parked car? The answer to this question, of course, depends on in the state in which you live. Actually, only 22 states have statutes that either prohibit leaving an animal in confined vehicle or provide civil immunity (protection from being sued) for a person who rescues an animal from a vehicle under certain conditions. The next factor important to the question is the condition under which the animal is left in the vehicle. Most of these laws provide that the animal must be confined or unattended in a parked or stationary vehicle. Further, the laws add that in order for a person to violate the law, the conditions have to endanger the animal's life. Some of the statutes specifically state that extreme hot or cold temperatures, lack of adequate ventilation, or failing to provide proper food or drink meet this definition. Other laws are more vague and just require that the conditions are such that physical injury or death is likely to result.

While not all states have laws that address animals in parked vehicles, numerous local ordinances prohibit this, and more may be enacted. It is critical then that owners are aware of their local laws concerning this subject. Even without a state or local law, this action could still constitute cruelty under some circumstances. In fact, in the Texas case of [Lopez v. State](#), the defendant left his dog in his car on a hot day to go and watch a movie in a theater. He was ultimately convicted under the state's anti-cruelty law. Notably, Texas does not have a statute that specifically addresses dogs left in parked vehicles. Below is a table that describes these laws by outlining the major concerns within the laws.

State	Citation and Link	Animals Covered	What is Prohibited	Penalty	Rescue/Immunity Provisions
Alabama					
Alaska					
Arizona	A.R.S. § 13-2910	An animal ("animal" means a mammal, bird, reptile or amphibian)	Unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result	Class 1 misdemeanor	A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal.
Arkansas					
California	Cal. Penal Code § 597.7	An animal	Leave or confine an animal in any unattended motor vehicle under conditions	First conviction: fine not exceeding \$100 per animal. If the animal suffers great bodily injury, a fine not exceeding \$500, imprisonment in a county jail not exceeding 6 months, or by both. Any subsequent violation of this section, regardless of injury to the animal, punishable by a fine not exceeding \$500, imprisonment in a county jail not exceeding six months, or by both.	Peace officer, humane officer, or animal control officer is authorized to take all steps that are reasonably necessary for the

that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

removal of an animal from a motor vehicle.

Must leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed.

Colorado

Connecticut

Delaware	11 Del.C. § 1325(b)(6)	An animal (does not include fish, crustacea or molluska)	Confining an animal unattended in a standing or parked motor vehicle in which the temperature is either so high or so low as to endanger the health or safety of the animal.	Issued a warning for a first offense. Subsequent offenses are Class A Misdemeanors.	A law enforcement officer, animal control officer, animal cruelty investigator, or firefighter who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal may use reasonable force to remove the animal left in the vehicle in violation of this provision. A person removing an animal under this section shall use reasonable means to contact the owner. If the person is unable to contact the owner, the person may take the animal to an animal shelter and must leave written notice bearing his or her name and office, and the address of the location where the animal can be
----------	--	--	--	--	---

claimed.

D.C.

Florida

[West's F. S. A. § 768.139](#)

“Domestic animal” means a dog, cat, or other animal that is domesticated and may be kept as a household pet. The term does not include livestock or other farm animals.

A person who enters a motor vehicle for the purpose of removing a domestic animal is immune from civil liability for damage if the person:

- determines the motor vehicle is locked or there is otherwise no reasonable method to remove animal
- has a good faith and reasonable belief, based on circumstances, that entry is necessary because the domestic animal is in imminent danger of suffering harm
- notifies law enforcement or 911 before entering motor vehicle (or immediately thereafter)
- uses no more force than necessary to enter the motor vehicle and remove domestic animal
- remains with domestic animal in reasonable proximity to motor vehicle until law enforcement or other first responder arrives

Georgia

Hawaii

Idaho					
Illinois	510 ILCS 70/7.1	Any animal	Confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.	A person convicted of violating this Section is guilty of a Class C misdemeanor. A second or subsequent violation is a Class B misdemeanor.	An animal control officer, law enforcement officer, or Department investigator has authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.
Indiana					
Iowa					
Kansas					
Kentucky					
Louisiana					
Maine	7 MRS § 4019	An animal	Animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.	While a penalty is not provided in the law, the owner may claim an animal removed from a vehicle only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.	A law enforcement officer, humane agent, animal control officer, firefighter, first responder, or licensed security guard may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death. Must leave written notice bearing the officer's or agent's name and office and the address of the

location where the animal may be claimed.

Maryland	MD Code, Transportation, § 21-1004.1	Cat or dog	Standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog.	Per District Court of Maryland District page that outlines citations for violations of Motor Vehicle Code: <ul style="list-style-type: none"> • Fine of \$70.00 (see § 21-1004.1 on page 51) (http://www.courts.state.md.us/district/forms/criminal/dccr090.pdf) 	May use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions if person is: <ul style="list-style-type: none"> • A law enforcement officer • A local or state public safety employee • An local or state animal control officer • An officer of a prevention of cruelty to animals authorized to make arrests • A volunteer or professional of a fire and rescue service
Massachusetts					
Michigan					
Minnesota	M.S.A. § 346.57	Cat or dog	Unattended in a standing or parked motor vehicle in a manner that endangers the dog's or cat's health or safety.	Petty misdemeanor: a person who violates this subdivision is subject to a fine of \$25.	The following may use reasonable force to enter a motor vehicle and remove a dog or cat which has been left in the vehicle in violation of the law: <ul style="list-style-type: none"> • a peace officer • a humane agent • a dog warden • a volunteer or professional member of a fire or rescue department A person removing a dog or a cat under this subdivision shall use reasonable means to contact the owner.

If the person is unable to contact the owner, the person may take the dog or cat to an animal shelter.

Mississippi

Missouri

Montana

Nebraska

Nevada	N.R.S. 574.195	Cat or dog	Unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.	<p>A cat or dog that is removed from a motor vehicle under the law is deemed to be an animal being treated cruelly for the purposes of NRS 574.055.</p> <p>A person who violates a provision of subsection 1 is guilty of a misdemeanor.</p>	<p>These individuals may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog:</p> <ul style="list-style-type: none"> • Peace officer • Officer of a society for the prevention of cruelty to animals who is authorized to make arrests • Animal control officer • Governmental officer or employee whose primary duty is to ensure public safety • Employee or volunteer of any organized fire department • Member of a search and rescue organization under the direct supervision of a sheriff <p>The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.</p>
--------	--------------------------------	------------	--	--	---

New Hampshire	N.H. Rev. Stat. 644:8-aa	"Animal" means a domestic animal, household pet, or wild animal held in captivity.	It shall be cruelty to confine an animal in a motor vehicle or other enclosed space in which the temperature is either so high or so low as to cause serious harm to the animal.	Misdemeanor as set forth in RSA 644:8 (misdemeanor for a first offense, and of a class B felony for a second or subsequent offense).	Any law enforcement officer or agent of a licensed humane organization may take action necessary to rescue a confined animal endangered by extreme temperatures, and to remove the threat of further serious harm.
New Jersey	N.J.S.A. 4:22-26	A living animal or creature	Unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature.	Constitutes cruelty with penalty of a sum of not less than \$250 nor more than \$1,000.	None
New Mexico					
New York	NY Agri. & Mkts. § 353-d	Companion animal	Confined in motor vehicle in extreme heat or cold without proper ventilation or other protection where confinement places companion animal in imminent danger of death or serious injury due to exposure.	Any person who knowingly violates this section is guilty of a violation: <ul style="list-style-type: none"> • 1st offense - fine of not less than \$50 not more than \$100 • 2nd offense - fine of not less than \$100 not more than \$250 	Police, peace officer, or peace officer acting as agent of humane society may take necessary steps to remove animal from vehicle. Will not be civilly or criminally liable if actions taken in reasonably good faith.
North Carolina	NC ST § 14-363.3	As used in this section, the term "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves,	An animal that is confined in a motor vehicle under conditions that are likely to cause suffering,	Cruelty provisions may apply	Any animal control officer, animal cruelty investigator appointed under G.S. 19A-45, law enforcement officer, firefighter, or rescue squad worker, who has probable cause to believe that

<p>and Mammalia except human beings. Nothing in this section shall be construed to apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.</p>	<p>injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions.</p>	<p>an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions, may enter the motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible for the animal.</p>
---	---	--

<p>North Dakota</p>	<p>NDCC, 36-21.2-12</p>	<p>Dog or cat</p>	<p>Unattended in a stationary or parked motor vehicle in a manner that endangers the animal's health or safety.</p>	<p>Guilty of an infraction</p>	<p>A law enforcement officer may use reasonable means to enter a motor vehicle and remove an animal left in violation of this section.</p>
-------------------------	---	-------------------	---	--------------------------------	--

Ohio

Oklahoma

Oregon

Pennsylvania

<p>Rhode Island</p>	<p>Gen. Laws, 1956, § 4-1-3.2</p>	<p>(1) "Animal" and "animals" means every living creature except a human being,</p>	<p>No owner or person shall confine any animal in a motor vehicle which is done in a manner that places the animal in a life threatening or extreme health threatening situation by exposing it to a prolonged period of</p>	<p>Any person who knowingly violates this section shall be punished by imprisonment for a term not exceeding one year or by a fine of no more than one thousand dollars (\$1,000), or both.</p>	<p>In order to protect the health and safety of an animal, an animal control officer, law enforcement officer or fire fighter who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means necessary under the circumstances, after making a reasonable effort to locate the</p>
---------------------	---	---	--	---	--

extreme heat
or cold,
without
proper
ventilation or
other
protection
from such
heat or cold.

owner or other
responsible person.

A law enforcement or
animal control officer
may take all steps that
are reasonably
necessary to remove
an animal from a motor
vehicle if the animal's
health, safety, or
wellbeing appears to
be in immediate
danger from heat, cold,
or lack of adequate
ventilation and the
conditions could
reasonably be
expected to cause
extreme suffering or
death.

A law enforcement
officer or animal
control officer may
enter the motor
vehicle for the sole
purpose of rescue or
release of the animal
and may not search
the vehicle unless
otherwise permitted
by law.

A law enforcement or
animal control officer
who removes an
animal from a motor
vehicle pursuant to this
section is immune from
criminal or civil liability
that might otherwise
result from the
removal.

South Carolina

South Dakota	S.D.C.L. § 40-1-36	Cat, dog, or other small animal	Unattended in a standing or parked vehicle in a manner that endangers the health or safety of such animal.	None provided	Reasonable force may be used to remove such animal by any peace officer or agent or officer of any humane society.
-----------------	------------------------------------	---------------------------------------	--	---------------	---

Tennessee	T.C.A. § 29-34-209	Animal		Cruelty provisions may apply.	A person whose conduct conforms
-----------	------------------------------------	--------	--	-------------------------------	------------------------------------

to the requirements of this Act shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle.

Texas

Utah

Vermont	13 V.S.A. § 386	An animal	Unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.	Failure to comply with subsection (a) of this section is a violation of subdivision 352(3) of this title (guilty of cruelty with a sentence of imprisonment of not more than one year, or a fine of not more than \$2,000.00, or both).	Any humane officer or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle.
---------	---------------------------------	-----------	--	---	--

Virginia	Va. Code Ann. § 3.2-6504.1	Companion animal			No law-enforcement officer, firefighter, emergency medical services personnel, or animal control officer who in good faith forcibly enters a motor vehicle in order to remove an unattended companion animal that is at risk of serious bodily injury or death shall be liable for any property damage to the vehicle entered or injury to the animal resulting from such forcible entry and removal of the animal, unless such property damage or injury results from gross negligence or willful or wanton misconduct.
----------	--	------------------	--	--	--

Washington	RCWA 16.52.340	Any animal	Leave or confine any animal unattended in a motor vehicle or enclosed space if the animal could	Class 2 civil infraction	An animal control officer or law enforcement officer who reasonably believes that an animal is suffering or is likely to suffer harm from exposure to excessive heat, cold, lack of
------------	--------------------------------	------------	---	--------------------------	---

be harmed or killed by exposure to excessive heat, cold, lack of ventilation, or lack of necessary water.

ventilation, or lack of necessary water is authorized to enter a vehicle or enclosed space to remove an animal by any means reasonable under the circumstances if no other person is present in the immediate area who has access to the vehicle or enclosed space and who will immediately remove the animal.

West Virginia	W. Va. Code, § 61-8-19	An animal	Unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result.	Guilty of a misdemeanor; upon conviction shall be fined not less than \$300 nor more than \$2000 or confined in jail not more than 6 months, or both.	None
---------------	--	-----------	--	---	------

Wisconsin	W. S. A. 895.484	“Domestic animal” means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include a farm animal			<p>A person is immune from civil liability for property damage or injury that results from his or her forcible entry into a vehicle if:</p> <ul style="list-style-type: none"> • he or she had a good faith belief that the domestic animal was in imminent danger of suffering bodily harm unless removed from the vehicle • the vehicle was locked and forcible entry was necessary • he or she dialed 911 or otherwise contacted law enforcement, emergency medical services, or animal control before forcibly entering the vehicle • he or she remained with
-----------	----------------------------------	--	--	--	---

the domestic animal until law enforcement or a first responder arrived at the scene

- he or she used no more force than he or she reasonably believed necessary to enter the vehicle
- if this person left the scene before the owner or operator of the vehicle returned to the scene, the actor placed a notice on the windshield with information outlined in the law

Wyoming



Full Site Search

- [Site Information](#)
- [Contact Us](#)
- [Make a donation](#)
- [Home](#)

© 2016 Michigan State University [College of Law](#). This site is not a law firm and cannot offer legal advice.

College of **Law**
MICHIGAN STATE UNIVERSITY