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Overview of State Laws: Leaving Unattended Animals in Vehicles

The majority of states do not have “hot car” laws (laws that prohibit leaving unattended animals in vehicles).

- In total, 25 states currently **have some form of a “hot car” law** on the books.
- Pennsylvania and Michigan have bills pending.



What “Hot Car” Laws Cover

Such laws do not prohibit confinement at specific temperatures for a specific amount of time. Rather, the provisions tend to prohibit a broad range of conduct, i.e. confining an animal in a manner that endangers his/her health or safety.

Limits

While most “hot car” laws apply to “animals” generally, some are limited to certain kinds of animals:

- Just cats and dogs: Maryland, Minnesota, and Nevada
- Any companion animal: New York and Virginia
- Cat, dog, or other small animal: South Dakota

- Livestock exempted: North Carolina
- Domestic animal: Florida and Wisconsin

These states have “hot car” laws that allow certain public officials (e.g. law enforcement, humane officers) to break into the vehicle to rescue the animal:

- Arizona **A.R.S. § 13-2910**
- California **Cal. Penal Code § 597.7**
- Delaware **11 Del.C. § 1325(b)(6)**
- Illinois **510 ILCS 70/7.1**
- Maine **7 MRSA § 4019**
- Maryland **Md. Transp. Code § 21-1004.1**
- Massachusetts **Mass. Gen. Laws ch. 140, § 174f** (Effective November 17, 2016)
- Minnesota **M.S.A. § 346.57**
- Nevada **N.R.S. 574.195**
- New Hampshire **N.H. Rev. Stat. 644:8-aa**
- New York **NY Agri. & Mkts. § 353-d**
- North Carolina **NC ST § 14-363.3**
- North Dakota **NDCC, 36-21.2-12**
- Oregon **ORS § 167.345**
- Rhode Island **Gen. Laws, 1956, § 4-1-3.2**
- South Dakota **S D C L § 40-1-36**
- Vermont **13 V.S.A. § 386**
- Virginia **Va. Code Ann. § 3.2-6504.1**
- Washington **RCWA 16.52.340**

In these states, although it is illegal to leave an animal trapped in a hot car, no one is granted the authority to break into the vehicle to save the animal, not even law enforcement:

- New Jersey **N.J.S.A. 4:22-26**
- West Virginia **W. Va. Code, § 61-8-19**

These states have “Good Samaritan” hot car laws—laws that allow private citizens to take matters into their own hands—or proposed laws:

- California: **Cal. Penal Code § 597.7** (“Good Samaritan” portion effective January 1, 2017) and **Cal. Civil Code § 43.100** (effective January 1, 2017) grants civil immunity for any person who takes reasonable steps to remove an animal from a vehicle if that animal’s “safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal,” and that person calls law enforcement after entry. In addition, criminal immunity applies if that person takes certain steps first, such as contacting law enforcement, has a good faith believe that the entry is necessary, remains with the animal in a safe location, and uses only as much force as necessary.
- Florida: **Stat. § 768.139** grants civil immunity for damage to the vehicle for a person who “enters a motor vehicle, by force or otherwise, for the purpose of removing a vulnerable person or domestic animal,” as long

as certain conditions are met, such as first calling 9-1-1, using no more force than is reasonably necessary, and remaining with the vulnerable person or animal in a safe location near the vehicle until law enforcement arrives.

- Massachusetts: **Mass. Gen. Laws ch. 140, § 174f** (Effective November 17, 2016) grants civil and criminal immunity for entering a motor vehicle to remove an animal if certain requirements are met, such as making reasonable efforts to locate the vehicle owner and notifying law enforcement.
- Ohio: **Ohio Rev. Code Ann. § 959.133** grants civil immunity for damage resulting from forcible entry of a vehicle “for the purpose of removing an animal” or a minor from the vehicle if certain conditions are met, including having a good faith belief that the animal is in imminent danger, making a good faith effort to call 9-1-1 before entry, not using more force than is reasonably necessary, and making a good faith effort to leave notice on the vehicle’s windshield about the reason for entry into the vehicle. Tennessee: **Tenn. Code Ann. § 29-34-209** allows persons to break into cars to save children or animals. Specific steps, including searching for the owner and notifying law enforcement, must be taken to qualify for protection under the law.
- Wisconsin: **Wis. Stat. § 895.484** prevents Good Samaritans from being sued for breaking into a vehicle to rescue a pet or child, but only if police are contacted before the break-in to make sure the pet or child is really in danger.

States with “hot car” bills pending:

- Pennsylvania:
 - **HB 1516/SB977** would make it “a summary offense to confine a dog or cat in a car under conditions that jeopardize the pet’s health. A police officer or other public safety professional or humane officer would have the authority to remove the dog or cat from the unattended motor vehicle if they believe the dog or cat is suffering and is endangered after a reasonable search for the owner or operator of the vehicle. The police officer or other public safety professional or humane officer who removes a cat or dog from an unattended vehicle will not be held liable for any damages.”
- Michigan:
 - **SB 930/SB 931** prohibits leaving an animal unattended in a motor vehicle and provides penalties. Progress [here](#).
 - **HB 5388** prohibits leaving an animal unattended in a motor vehicle and provides civil immunity for police officers, firefighters, animal control officers, security guards, and other first responders for damage caused by entering the vehicle. Progress [here](#).
 - **SB 566** provides civil immunity for damage resulting from the forcible entry into a vehicle to remove a minor or animal if certain conditions apply, such as, contacting law enforcement, staying with the minor or animal, and not using more force than necessary under the circumstances. Progress [here](#).

Penalties

Most states limit penalties to misdemeanors or civil fines/infractions, even for repeat offenders, with these exceptions:

- New Hampshire stipulates a felony for a second or subsequent offense
- Neither Maine nor South Dakota provide for a penalty

Reasons for Optimism

- “Hot car” laws are becoming increasingly more prevalent, with eight enacted in just the last two years and two more pending.
- While only Tennessee and Wisconsin currently allow concerned citizens to break into vehicles to rescue an

animal, prosecutors may be reluctant to bring charges against rescuers, given the public relations nightmare and scant chance of a conviction. In Georgia, for example, **charges were dropped** against a man who smashed a car window to rescue a Pomeranian mix who was in distress.

- Former ALDF fellow Jennie James **writes**, “Given bloated dockets, crowded prisons, and mandatory sentencing schemes, prosecutors are generally motivated to dismiss or settle cases brought against meritorious defendants. Thus, the person who breaks a car window to free a trapped dog may be lauded, not charged. In fact, since police enjoy similar discretion, the dog’s rescuer may not even be arrested.”
- In states without hot car laws, perpetrators may still be prosecuted under the general anti-cruelty laws. In **Lopez v. State**, the defendant left his dog in his car on a hot day to go and watch a movie in a theater. Though Texas does not have a “hot car” law, he was ultimately convicted under the state’s anti-cruelty law.

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