
Fifth Session, Fortieth Parliament
65 Elizabeth II, 2016
Legislative Assembly of British Columbia

BILL M 2**
DISTRESSED ANIMAL ACT, 2016

Ms. Selina Robinson

Explanatory Note

This Act amends the *Motor Vehicle Act*, the *Community Charter*, and the *Vancouver Charter* to ensure safer transportation of animals in vehicles. This Act requires that animals are provided with proper ventilation and protection from extreme weather when being transported or are left unattended in vehicles. This Act also gives municipalities the ability to seize distressed animals that are left unattended in vehicles.

DISTRESSED ANIMAL ACT, 2016

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 of the Motor Vehicle Act, R.S.B.C. 1996, c.318, is amended by adding the following definitions:

“adequate ventilation” means access to air in a vehicle through an opening of at least 500 cm squared;

“extreme temperature” means an enclosed internal temperature of 27 degrees Celsius or higher;

2 Section 72 of the Motor Vehicle Act, R.S.B.C. 1996, c.318, is repealed and replaced with the following:

72 (1) A person commits an offence if the person transports a living animal on the running board, fender, hood or other exterior part of a vehicle unless a suitable cage, carrier or guard rail is provided and is attached adequately to protect that animal from falling or being thrown from the vehicle.

(2) A person commits an offence if the person transports a living animal in a vehicle without providing adequate ventilation and protection from extreme temperature or weather conditions, causing the animal to be in distress.

(3) A person commits an offence if the person leaves a living animal in a vehicle without providing adequate ventilation and protection from extreme temperature or weather conditions, causing the animal to be in distress.

(4) A local by-law officer who discovers an animal that the officer believes on reasonable grounds is in distress under subsections (1), (2) or (3) may do one or more of the following:

(a) provide any care or take any other action the local by-law officer considers necessary to relieve the animal's distress;

(b) seize the animal.

3 Section 48 of the Community Charter, S.B.C. 1996, c.26, is repealed and replaced with the following:

Seizure and related powers

48 A council may, by bylaw, do one or more of the following:

- (a) provide for the seizure of animals that are
 - (i) unlicensed, if there is a requirement that they be licensed,
 - (ii) unlawfully at large on a highway or in a public place,
 - (iii) straying or trespassing on private property
 - (iv) on unfenced land and not securely tethered or contained, or
 - (v) left unattended in a motor vehicle without adequate ventilation and without protection from extreme temperatures or weather conditions, causing the animal to be in distress.

4 Section 707 of the Local Government Act, R.S.B.C. 1969, c.323, is repealed and replaced with the following:

Animal pounds

707 The board may, by bylaw, do one or more of the following:

- (a) provide for the seizure, impounding and detention of
 - (i) unlicensed dogs;
 - (ii) animals referred to in section 703 (1) (a) that are unlawfully at large, and;
 - (iii) animals left unattended in a motor vehicle without adequate ventilation and without protection from extreme temperatures or weather conditions, causing the animal to be in distress.

5 Section 324 of the Vancouver Charter, S.B.C. 1953, c.55, is amended by adding the following subsection:

(a.1) for the seizure of animals left unattended in a vehicle without adequate ventilation and without protection from extreme temperatures or weather conditions, causing the animal to be in distress.

Consequential and Related Amendments

Community Charter

6 Section 1 of the schedule of the Community Charter, S.B.C. 1996, c.26, is amended by adding the following definitions:

“adequate ventilation” has the same meaning as in section 1 in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*;

“extreme temperature” has the same meaning as in section 1 in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*;

Local Government Act

7 Section 5 of the Local Government Act, R.S.B.C. 1969, c.323, is amended by adding the following definitions:

“adequate ventilation” has the same meaning as in section 1 in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*;

“extreme temperature” has the same meaning as in section 1 in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*;

Vancouver Charter

8 Section 7 of the Vancouver Charter, S.B.C. 1953, c.55, is amended by adding the following definitions:

“adequate ventilation” has the same meaning as in section 1 in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*;

“extreme temperature” has the same meaning as in section 1 in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*;