

January 13, 2014

**ASSEMBLY BILL NO. 3445  
(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3445 (First Reprint) with my recommendations for reconsideration.

This bill provides that a pet owner may board public transportation with their pet when a state of emergency has been declared and an evacuation is in progress, provided that the pet does not constitute a health or safety hazard. The bill requires that the animal be under the owner's control by use of a leash or tether, or properly confined in an appropriate container or by other suitable means.

Pets are important to many families, and protecting pets during a state of emergency is a laudable goal. Current State and local emergency evacuation plans, however, already are required to address the needs of animals and, therefore, the evacuation of pets via public transportation should be consistent with those plans. Also, although the bill indicates that an animal should not be permitted to board public transportation if the animal causes a health or safety hazard, the bill does not establish a standard for refusing boarding. Finally, the bill should make clear that passengers with service animals shall be given priority seating in accordance with the federal Americans with Disabilities Act of 1990.

Therefore, I herewith return Assembly Bill No. 3445 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 8: Delete "a dog, cat, bird, fish or"

Page 2, Section 1, Lines 9-10: Delete "which does not constitute a health or safety hazard"

- Page 2, Section 1, Line 13: After "companionship" insert "to the owner"
- Page 2, Section 1, Line 13: Delete "an" and insert "business or"
- Page 2, Section 1, Line 13: Delete "purpose" and insert "purposes. Domestic companion animal does not include livestock as defined in N.J.A.C. 2:2-1.1"
- Page 2, Section 1, Line 24: After "means" insert ", provided that such boarding is authorized by and consistent with the provisions of the State of Emergency Operation Plans developed pursuant to paragraph (1) of subsection a. of section 18 of P.L.1989, c.222 (C.App.A.:9-43.1) pertaining to the needs of animals and individuals with an animal under their care"
- Page 2, Section 1, Line 28: After "(C.App.A:9-33.1)." insert "A domestic companion animal may be refused permission to board any public transportation or public transportation service, even if the animal is under the owner's control or properly confined in accordance with this subsection if there is reasonable cause to believe that, due to attendant circumstances, permitting the animal to board would pose a health or safety hazard.  
c. All passengers with service animals shall be given priority seating on all means of transportation regulated by this act in accordance with the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.). For the purposes of this act, service animal shall have the same meaning as set forth in the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.) and any regulations under the act."

Page 2, Section 1, Line 29:

Delete "c." and insert "d."

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ Christopher S. Porrino

Chief Counsel to the Governor