

SENATE, No. 381

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator RAYMOND J. LESNIAK

District 20 (Union)

SYNOPSIS

Requires liability insurance for permit to possess certain dangerous animals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S381 SCUTARI, LESNIAK

2

1 AN ACT concerning liability insurance for certain dangerous
2 animals and amending P.L.1962, c.127.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1962, c.127 (C.23:4-63.3) is amended to
8 read as follows:

9 1. a. (1) No person may possess any live indigenous animal,
10 live exotic animal, live potentially dangerous indigenous animal, or
11 live potentially dangerous exotic animal except as authorized
12 pursuant to a permit issued by the Department of Environmental
13 Protection or as may be authorized otherwise by the Fish and Game
14 Council pursuant to rules and regulations adopted pursuant to the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.).

17 (2) Every applicant for a permit to possess a live potentially
18 dangerous indigenous animal or a live potentially dangerous exotic
19 animal shall obtain and provide proof of liability insurance in an
20 amount of not less than \$250,000 for each potentially dangerous
21 animal prior to the issuance of the permit.

22 b. No person may release any live indigenous animal into the
23 environment of the State except as authorized pursuant to a permit
24 issued by the department or as may be authorized otherwise by the
25 council pursuant to rules and regulations adopted pursuant to the
26 "Administrative Procedure Act."

27 c. No person may release any live exotic animal into the
28 environment of the State except as authorized pursuant to a permit
29 issued by the department or as may be authorized otherwise by the
30 council pursuant to rules and regulations adopted pursuant to the
31 "Administrative Procedure Act."

32 d. No person may release any live potentially dangerous
33 indigenous animal into the environment of the State except as
34 authorized pursuant to a permit issued by the department or as may
35 be authorized otherwise by the council pursuant to rules and
36 regulations adopted pursuant to the "Administrative Procedure Act."

37 e. No person may release any live potentially dangerous exotic
38 animal into the environment of the State except as authorized
39 pursuant to a permit issued by the department or as may be
40 authorized otherwise by the council pursuant to rules and
41 regulations adopted pursuant to the "Administrative Procedure Act."

42 f. Every pet shop licensed in the State pursuant to section 8 of
43 P.L.1941, c.151 (C.4:19-15.8) shall post in a conspicuous place in
44 the pet shop a notice about the existence of this act and a copy of its
45 provisions.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

S381 SCUTARI, LESNIAK

1 g. The department may attach such conditions to any permit
2 issued or other authorization granted pursuant to this section as the
3 department deems appropriate and necessary for the purpose of
4 protecting indigenous animals or plants, the environment,
5 agriculture, or the public health, safety, or welfare.

6 h. (1) The council shall adopt, pursuant to the "Administrative
7 Procedure Act," such rules and regulations to supplement the State
8 Fish and Game Code as may be necessary to implement this section.

9 (2) The council, by rule or regulation adopted pursuant to the
10 "Administrative Procedure Act," may exempt from the requirements
11 and provisions of this section any species of indigenous animal,
12 exotic animal, potentially dangerous indigenous animal, or
13 potentially dangerous exotic animal, provided that the possession or
14 release of such animals would not pose a significant threat to
15 indigenous animals or plants, the environment, agriculture, or the
16 public health, safety, or welfare.

17 (3) This section shall not apply to any activities of the Division
18 of Fish and Wildlife concerning the possession and release of
19 animals.

20 i. The requirements and provisions of this section, or any
21 permit issued or rule or regulation adopted pursuant thereto, shall
22 be in addition to those concerning the possession or release of live
23 indigenous animals, live exotic animals, live potentially dangerous
24 indigenous animals, or live potentially dangerous exotic animals, as
25 may be established by any other law or any permit issued or rule or
26 regulation adopted pursuant thereto, including but not limited to
27 "The Endangered and Nongame Species Conservation Act,"
28 P.L.1973, c.309 (C.23:2A-1 et seq.), R.S.23:4-50, R.S.23:4-52, and
29 the State Fish and Game Code.

30 j. For the purposes of this section:

31 "Council" means the Fish and Game Council;

32 "Department" means the Department of Environmental
33 Protection;

34 "Exotic animal" means any species of mammal, bird, reptile,
35 amphibian, fish, mollusk, or crustacean that is not indigenous to
36 New Jersey as determined by the Fish and Game Council in rules
37 and regulations adopted pursuant to the "Administrative Procedure
38 Act," and shall include the young or eggs of any such species, but
39 shall not include (1) domesticated companion animals or farm
40 livestock as defined by the Fish and Game Council, or (2) fish,
41 shellfish, or game species not indigenous to New Jersey for which
42 fishing, harvesting, hunting, or trapping is authorized and regulated
43 pursuant to law, the State Fish and Game Code, or rules and
44 regulations of the Fish and Game Council;

45 "Indigenous animal" means any species of mammal, bird, reptile,
46 amphibian, fish, mollusk, or crustacean that is indigenous to New
47 Jersey as determined by the Fish and Game Council in rules and

S381 SCUTARI, LESNIAK

1 regulations adopted pursuant to the "Administrative Procedure Act,"
2 and shall include the young or eggs of any such species;

3 "Potentially dangerous exotic animal" means any species of
4 exotic animal that has been determined by the Fish and Game
5 Council in rules and regulations adopted pursuant to the
6 "Administrative Procedure Act," to: (1) be capable of inflicting
7 serious or fatal injuries to humans, livestock, or pets; or (2) possess
8 the potential for becoming a significant threat to indigenous animals
9 or plants, the environment, agriculture, or the public health, safety,
10 or welfare; and

11 "Potentially dangerous indigenous animal" means any species of
12 indigenous animal that has been determined by the Fish and Game
13 Council in rules and regulations adopted pursuant to the
14 "Administrative Procedure Act," to: (1) be capable of inflicting
15 serious or fatal injuries to humans, livestock, or pets; or (2) possess
16 the potential for becoming a significant threat to indigenous animals
17 or plants, the environment, agriculture, or the public health, safety,
18 or welfare.

19 (cf: P.L.2002, c.122, s.2)

20

21 2. This act shall take effect on the 90th day next following
22 enactment.

23

24

25

STATEMENT

26

27 This bill requires every applicant for a permit to possess a live
28 potentially dangerous indigenous animal or a live potentially
29 dangerous exotic animal to obtain and provide proof of liability
30 insurance in an amount of not less than \$250,000 for each
31 potentially dangerous animal prior to the issuance of the permit.