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SENATE BILL NO. 309—SENATOR SETTELMEYER

MARCH 21, 2011

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Referred to Committee on Natural Resources

**SUMMARY**—Authorizes a person to remove from his or her property an animal for which he or she has, by contract, provided care and shelter under certain circumstances. (BDR 50-703)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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**AN ACT** relating to animals; authorizing a person to remove from his or her property an animal for which he or she has, by contract, provided care and shelter under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for the care of and prevention of cruelty to animals.  
2 (NRS 574.050-574.510) This bill provides that: (1) if a person enters into a contract  
3 to provide care and shelter for an animal; (2) the person gives 30 days’ notice of the  
4 termination of the contract and requests the removal of the animal from his or her  
5 property at the end of the contract; and (3) the owner fails to remove the animal  
6 from the person’s property at the end of that contract, the person providing care and  
7 shelter may remove the animal from his or her property in several ways. However,  
8 before the person may remove the animal, he or she must provide written  
9 notification to the owner by certified mail of his or her intention to remove the  
10 animal if the owner fails to remove the animal from the person’s property. If the  
11 owner fails to remove the animal by the time provided for in the notice, the animal  
12 will be deemed abandoned, and the person may: (1) sell the animal; (2) give the  
13 animal to a society for the prevention of cruelty to animals; (3) return the animal to  
14 the owner; (4) transfer the animal to another facility that is willing to provide care  
15 and shelter for the animal; or (5) bring an action in court to require the owner to  
16 remove the animal from the person’s property. The owner of the animal is liable for  
17 any reasonable and actual costs incurred by the person in removing the animal from  
18 his or her property.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 575 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *A person who enters into a contract with an owner of an*  
4 *animal to provide care or shelter for the animal on the person's*  
5 *property shall give the owner of the animal at least 30 days' notice*  
6 *before terminating the contract.*

7       2. *After receiving the notice, if the owner of the animal fails*  
8 *to remove the animal from the property before the termination of*  
9 *the contract, the animal shall be deemed abandoned and the*  
10 *person providing care or shelter for the animal may remove the*  
11 *animal from his or her property as provided in subsection 3 if:*

12       (a) *The person notifies the owner of the animal in writing of*  
13 *the person's intention to remove the animal from the property if*  
14 *the owner fails to remove it before the date the contract is*  
15 *terminated; and*

16       (b) *Fourteen days have elapsed since the notice was mailed to*  
17 *the owner of the animal. The notice must be mailed, by certified*  
18 *mail, return receipt requested, to the owner of the animal at the*  
19 *owner's present address, and if that address is unknown, then at*  
20 *the owner's last known address.*

21       3. *If an animal is deemed abandoned pursuant to subsection*  
22 *2, a person providing care or shelter for an animal may:*

23       (a) *Sell the animal;*

24       (b) *Give the animal to a society for the prevention of cruelty to*  
25 *animals;*

26       (c) *Return the animal to the owner at the owner's present*  
27 *address;*

28       (d) *Transfer the animal to another facility which is able to*  
29 *provide care and shelter for the animal; or*

30       (e) *Bring a civil action in a court of competent jurisdiction to*  
31 *require the owner to remove the animal from the person's*  
32 *property.*

33       4. *If the owner of the animal fails to remove the animal*  
34 *pursuant to subsection 2, the person providing care and shelter for*  
35 *the animal may charge and collect any reasonable and actual*  
36 *costs he or she incurs in removing the animal pursuant to*  
37 *subsection 3.*

38       5. *The provisions of this section may be varied by agreement,*  
39 *and the rights conferred by this section may be waived.*

