



| ANIMALS |

See a dog locked in a hot car? Here's what you can do.

Several U.S. states allow bystanders to intervene when animals are trapped inside hot vehicles. Is yours one?

Photographer Tara Wray has been documenting dogs in cars—including these two, pictured in Windsor, Vermont—as a “meditation on canine isolation” since 2009.

PHOTOGRAPH BY TARA WRAY

BY RACHEL FOBAR



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Shawna Harch was heading for happy hour in June 2017 when she heard barking.

Inside a black Mercedes parked on the street in Portland, Oregon, a small dog—it looked like a Pomeranian or a Chihuahua, she thought—sat in a crate. The moonroof was cracked, but the car windows were rolled up. Outside, it was nearly 90 degrees.

The dog was panting—the barking had stopped.

Grabbing a car jack she had in her trunk, Harch smashed a car window and let the dog out, cooling her down in a tub of water provided by a nearby cafe. The owner appeared soon after and thanked Harch, according to a blog post she wrote about the incident—he hadn't realized his dog would be unsafe.

In 14 U.S. states, the scenario above is legal. The following states have laws to protect you if you damage property to rescue an animal locked in a hot car: Arizona, California, Colorado, Connecticut, Florida, Indiana, Kansas, Louisiana, Massachusetts, Ohio, Oregon, Tennessee, Vermont, and Wisconsin. Even in 70-degree weather, a car can reach a hundred degrees in less than 30 minutes, according to the American Veterinary Medical Association.



Before breaking a car window, some states require that bystanders call police. You must also remain with the animal or take it somewhere safe.

PHOTOGRAPH BY TARA WRAY

says [Cassie King](#), communications director for the animal rights group [Direct Action Everywhere](#). For example, many states require the bystander to first call the authorities, as Harch did. You must use the least amount of force possible to break in, and you need to wait with the animal or take it somewhere safe.

Every year, hundreds of U.S. pets die from heat-related deaths, [according to the American Veterinary Medical Association](#). These laws, which are common-sense and often receive bipartisan support, are crucial for preventing deaths of animals in hot cars, especially as the planet warms, says Rebecca Wisch, associate editor of Michigan State University's [Animal Legal & Historical Center](#). ([Read more about the link between climate change and extreme weather.](#))

“It's difficult to argue against being able to rescue any creature in distress, whether human or animal,” Wisch says. “It's sort of a feel-good bill.”



Many states prohibit leaving an animal in a vehicle in dangerous weather altogether, and violators can be charged with animal cruelty. Some allow agents of the state—firefighters, police, animal control officials—to break into a car when the animal is at risk.

ROUELLE UMALI, XINHUA/REDUX

'Good Samaritan' laws

Tennessee became the first state to pass a vehicle-rescue law in 2015, and the rest followed suit from 2016 to 2018. Every state's law is worded differently. For example, in Indiana, bystanders who break into a car to rescue an animal are required to pay half the damages.

These laws are among a larger genre of so-called “Good Samaritan” laws, which protect people from legal repercussions when offering assistance to individuals in distress.

inadvertently harms the victim in the process, [good Samaritan laws](#) protect the would-be rescuer from being fined, sued, or arrested—so long as the victim [has given consent](#) (if possible) and the care was not provided recklessly.

Thirty-one states have some type of law to protect pets in vehicles, according to Rebecca Wisch.

[Twenty states](#) and the [District of Columbia](#) prohibit leaving an animal in a vehicle in dangerous weather, and violators can be charged with animal cruelty. Twenty-one states and D.C. allow agents of the state—firefighters, police, animal control officials—to break into a car when the animal is at risk.



These statutes don't define what it means for an animal to be in distress, but "you have to have a reasonable, good faith belief that the animal is in imminent danger," says David Rosengard of the Animal Legal Defense Fund.

PHOTOGRAPH BY TARA WRAY

distress, says [David Rosenberg](#), a managing attorney at the [Animal Legal Defense Fund](#)— but “you have to have a reasonable, good faith belief that the animal is in imminent danger.”

If the matter went to court, a judge would decide what’s reasonable, considering various factors—for example, the temperature, the breed, age, and if the dog was panting or sick. A short-haired breed in an air-conditioned vehicle might fare better than a long-haired husky in the summer, he says. But if you smash a window on a 60-degree day for a dog that’s not in distress, you probably will have to pay. ([Read more about how extreme heat creates stress for animals.](#))

“Anti-cruelty laws are kind of written in an open manner so that people don't get around it,” Wisch says. More specific language—for example, a specific temperature—would provide loopholes. Because the laws are so new, few cases have actually tested the extent of them, she says.

‘Worth the windshield’

States vary on which animals apply. Some specify domestic companion animals—which would include anything from dogs to cats to ferrets. Some, like Kansas, Indiana, and Wisconsin, specifically exclude livestock. Several states say “animal” without defining it further. South Dakota specifies dogs, cats, or “other small animal.” Rhode Island, which prevents confining an animal in a vehicle in life- or health-threatening conditions, defines animal as “every living creature except a human being.”

The animal rights group Direct Action Everywhere has used these laws to argue for the right to rescue any animal in distress—including livestock. In cases where activists have taken suffering animals from transport vehicles and farms, the group has tried to use the [necessity defense](#), which excuses crimes if they were committed in an attempt to prevent greater harm.



PHOTO BY THOMAS DASHUBER, VISUM, REDUX

For example, if someone is having a heart attack and a friend drives him to the hospital, even though the driver's blood alcohol level is above the legal limit, the driver might plead not guilty to drunk driving using the necessity defense. So far, Direct Action Everywhere hasn't won any so-called "right to rescue" cases using this particular defense, but [the climate movement](#) has had success. ([Read more about the animal rights movement.](#))

"It's still never been applied to non-human animals," King says. "Most judges don't want to be the first one. But we're going to keep trying that in all our cases, because at some point we'll break through."

Regardless of technicalities, these laws recognize that "animals are somebody," Rosengard says.

"There is no law anywhere in the country that lets you rescue a chocolate bar from a vehicle," he says. "These are sentient animals, they're living creatures, they suffer when you hurt them. And we, as a society, think animal suffering is worth the windshield."

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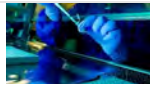
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