

Subchapter 3: Rental Horse Licensing and Protection Law

§ 17-326 Definitions.

Whenever used in this subchapter, the following terms have the following meanings:

ASPCA. The term "ASPCA" means the American Society for the Prevention of Cruelty to Animals.

Carriage horse. The term "carriage horse" means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter. A horse used for any other purpose shall not be deemed to be a carriage horse for the purposes of this subchapter.

Equine heat index. The term "equine heat index" means the sum of the air temperature, in degrees Fahrenheit, and the relative humidity at a particular point in time.

Owner. The term "owner" means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.

Person. The term "person" means an individual, partnership, corporation, association or other legal entity.

Relative humidity. The term "relative humidity" means the value, expressed as a percentage, determined by a device designed to measure relative humidity

Rental horse. The term "rental horse" means a horse which is used in a rental horse business.

Rental horse business. The term "rental horse business" means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab.

Riding horse. The term "riding horse" means a horse which is available to the public for a fee for the purpose of riding.

Stable. The term "stable" means any place, establishment or facility where one or more rental horses are housed or maintained.

Under tack. The term "under tack" means that a horse is equipped for riding or driving.

Veterinarian. The term "veterinarian" means a person licensed to practice veterinary medicine in the state of New York.

Work. A horse is considered to be at "work" when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other devices, or when it is saddled or in harness or when it is being ridden or is pulling a carriage, vehicle or device.

(Am. L.L. 2019/203, 11/25/2019, eff. 1/24/2020)

§ 17-327 License required.

a. On and after January first, nineteen hundred eighty-two no person shall use or offer the use of a horse in a rental horse business unless such horse is licensed pursuant to the provisions of this subchapter. For purposes of this subchapter the use of a horse in a rental horse business means that a horse is used or offered for use by the public for a fee for the purpose of riding or drawing a horse drawn vehicle or is used in the operation of a horse drawn vehicle for hire such as a horse drawn cab.

b. A license shall be issued for a term of one year from the date of issuance thereof and shall be renewed prior to the expiration of such term.

c. The annual fee for a license or the renewal of a license shall be twenty-five dollars.

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept and any other information which the commissioner of health and mental hygiene may require. An application with respect to a horse which is used in the operation of a "horse drawn cab" as defined in subchapter twenty-one of chapter two of title twenty of this code shall include the identification number required to be inscribed on such horses hoof pursuant to the rules and regulations of the department of consumer and worker protection. The application shall be accompanied by the license or renewal fee.

e. No license shall be transferable. Upon the transfer of ownership of any horse to a new owner, the new owner shall obtain a license for such horse within fifteen days after the date of the transfer of ownership.

(Am. L.L. 2020/080, 8/28/2020, eff. 8/28/2020)

Editor's note: For related unconsolidated provisions, see Appendix A at L.L.2020/080.

§ 17-328 Identification tag and certificate of license.

a. Each horse licensed pursuant to the provisions of this subchapter shall be assigned an official identification number by the department. Such identification number shall be branded on the hoof of the horse in a manner to be prescribed by the commissioner and shall also be inscribed on a metal tag which shall be attached to the bridle of the horse in a conspicuous place to be specified by the commissioner at all times when the horse is at work. Such tag shall be issued to the owner with the certificate of license. The tag and certificate of license shall be of such form and design and shall contain such information as the commissioner shall prescribe. Duplicate tags and certificates of license shall be issued only upon proof of loss of the original and the payment of a fee of two dollars.

b. The certificate of license shall at all times remain at the stable where the horse is kept and shall be available for inspection by any police officer, agent of the department and the ASPCA, or to veterinarians employed or retained by the department or the ASPCA or employees of the department of consumer and worker protection or any persons designated by the commissioner to enforce this subchapter.

(Am. L.L. 2020/080, 8/28/2020, eff. 8/28/2020)

Editor's note: For related unconsolidated provisions, see Appendix A at L.L. 2020/080.

§ 17-329 Disposition of licensed horse.

The department shall be notified of the transfer of ownership or other disposition of a licensed horse within ten days thereafter. Such notice shall include the date of disposition and if sold in New York city, the name and address of the buyer or other transferee and such other information as the commissioner may prescribe. A horse shall not be sold or disposed of except in a humane manner.

§ 17-330 Regulations.

a. The commissioner, with the advice of the advisory board as hereinafter established, shall promulgate such regulations as are necessary to carry out the provisions of this subchapter and to promote the health, safety and well being of the horses which are required to be licensed hereunder and of members of the public who hire such horses.

b. 1. Horses shall not be left untethered or unattended except when confined in a stable or other enclosure. When tethered, all horses shall be secured by the use of a rope attached to the halter, not to the bit or bridle.

2. Horse bridles and halters shall be used on carriage horses at all times when operating a carriage.

c. Standing stalls for carriage horses shall be sixty square feet or larger, with a minimum width of seven feet, and shall be configured to permit a carriage horse to turn around and safely lay down within the stall. Horses shall be un-tied when stabled. A halter shall be on the horse or hung outside each stall at all times.

d. Horses shall be adequately quartered. Stables and stalls shall be clean and dry and sufficient bedding of straw, shavings or other suitable materials shall be furnished and changed as often as necessary to maintain them in a clean and dry condition. Adequate heating and ventilation shall be maintained in stables as prescribed by the commissioner.

e. Owners shall insure that appropriate and sufficient food and drinking water are available for each horse and that while working each horse is permitted to eat and drink at reasonable intervals.

f. Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other dangerous conditions which are a threat to the health or safety of the horse. A horse being worked when such conditions develop shall be immediately returned to the stable by the most direct route.

g. 1. Carriage horses shall not be at work for more than nine hours in any continuous twenty-four hour period. Riding horses shall not be at work for more than eight hours in any continuous twenty-four hour period. Rest periods for carriage horses and riding horses shall be of such duration and at such intervals as the commissioner shall prescribe, but rest periods for carriage horses shall in no event be for less than fifteen minutes after each two hour working period, and the time of such rest period shall be included in calculating the number of hours the horse has worked in any twenty-four hour period. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse.

2. Carriage horses shall receive no less than five weeks of vacation or furlough every twelve months at a horse stable facility which allows daily access to paddock or pasture turnout. Proof of such vacation or furlough shall be provided upon request to the department and/or the ASPCA.

h. Carriage horses shall not be driven at a pace faster than a trot. Riding horses may be ridden at a canter but shall not be galloped.

i. Horses shall be suitably trimmed or shod, and saddles, bridles, bits, road harnesses and any other equipment used on or with a horse at work shall be maintained and properly fitted as prescribed by regulation of the commissioner.

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the department, and any persons designated by the commissioner to enforce the provisions of this subchapter, agents of the ASPCA, police officers, and employees of the department of consumer and worker protection.

k. An owner shall be jointly liable with the person to whom a horse is rented for any violation of this subchapter or of any regulations promulgated hereunder committed by such person if the owner had knowledge or notice of the act which gave rise to the violation at the time of or prior to its occurrence or under the circumstances should have had knowledge or notice of such act and did not attempt to prevent it from occurring.

l. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the driver's name and identification number, if applicable, rider's name, the horse's identification number, vehicle license plate number, if applicable, time of leaving stable and time of return to stable. An owner of a rental horse business shall also keep written protocols for emergencies, including but not limited to primary and secondary emergency contact information for each horse owner and insurance company information, if applicable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

m. A horse required to be licensed pursuant to this subchapter which is lame or suffers from a physical condition or illness making it unsuitable for work may be ordered to be removed from work by the commissioner or his or her designee or by an agent of the ASPCA or a veterinarian employed or retained by such commissioner or ASPCA to inspect licensed horses. A horse for which such an order has been issued shall not be returned to work until it has recovered from the condition which caused the issuance of the order or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. In any proceeding, under this section it shall be presumed that a horse which is found at work within forty-eight hours after the issuance of an order of removal and which is disabled by the same condition which caused such order to be issued has been returned to work in violation of this section. Such presumption may be rebutted by offering a certificate of a veterinarian indicating suitability to return to work prior to the expiration of the forty-eight hour period.

n. Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a rental horse business, at time of each license renewal, and thereafter at intervals of not less than four months and not greater than eight months. The examination shall include the general physical condition of the horse, its teeth, hoofs and shoes, its stamina and physical ability to perform the work or duties required of it, and whether it is current on vaccinations, including those for rabies, Eastern/Western equine encephalitis, West Nile virus, Rhinopneumonitis virus, and tetanus, or any other vaccinations the Commissioner may require by rule. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or humane correction or disposition of the same. A signed health certificate by the examining veterinarian shall be maintained at the stable premises at which such horse is located and shall be displayed on the outside of the such horse's individual stall. An original of said certificate shall be mailed by the examining veterinarian to the department.

o. 1. Carriage horses shall not be worked whenever the air temperature is 18 degrees Fahrenheit or below.

2. Carriage horses shall not be worked whenever (i) the air temperature is 90 degrees Fahrenheit or above, or (ii) the air temperature is 80 degrees Fahrenheit or above and the equine heat index is 150 or above.

3. For purposes of this subdivision, air temperatures shall be those measured by a state-of-the-art thermometer, as determined by the commissioner. Relative humidity shall be determined by a state-of-the-art hygrometer or any other device having the same capability to measure relative humidity, as determined by the commissioner. Air temperatures and relative humidity shall be measured by the commissioner or the commissioner's designee at street level at one of the stands designated pursuant to section 19-174.

4. If either of the limits set by paragraph 2 of this subdivision are exceeded during the course of a particular ride, at the ride's conclusion, but no later than one-half hour after either of these limits are exceeded, the operator must immediately cease working, move the horse to an area of shelter, where available, rest the horse and then walk it directly to its stable. All horses so returned to their stable must be unbridled and unharnessed and remain at the stable for at least one hour, and thereafter, until such time as the weather conditions shall once again reach acceptable limits.

5. No violation of this subdivision shall occur unless a written warning of violation is first issued by the authorized enforcement personnel to the operator advising that either of the limits set in paragraph 2 of this subdivision have been exceeded and directing that the operator cease working a carriage horse in accordance with the provisions of this subdivision. A violation of this subdivision may be issued if an operator fails to comply with the direction contained in the written warning of violation. Failure to comply with such direction shall not be construed as a separate violation.

p. Every carriage horse required to be licensed hereunder shall be equipped with a manure catching device. Such devices shall be affixed or attached to the carriage and shall at no time be affixed or attached to the horse.

q. Carriage horses shall not be younger than five years at the time placed into service in any rental horse business and licensed. No carriage horse older than 26 years of age shall be licensed to work in a rental horse business. Acceptable proof of age shall include a signed letter from a licensed veterinarian stating the horse's age, a certificate from an officially recognized national registry of horses stating the horse's age, or another industry approved method of certifying age.

r. Owners shall insure that during the months of November through April every carriage is equipped with a heavy winter horse blanket large enough to cover the horse from crest of neck to top of rump. Such blankets shall be used to cover carriage horses in cold weather. Waterproof horse blankets of a lighter material shall be provided at all times to cover the horse from withers to tail during periods of wet weather when the air temperature is 55 degrees or below.

(Am. L.L. 2019/203, 11/25/2019, eff. 1/24/2020; Am. L.L. 2020/080, 8/28/2020, eff. 8/28/2020)

Editor's note: For related unconsolidated provisions, see Appendix A at L.L. 1989/089 and L.L. 2020/080.

§ 17-331 Advisory board.

a. The commissioner shall appoint an advisory board consisting of five members as follows:

1. Two members shall be appointed from among the owners of rental horse businesses operating within the city, one of whom shall be representative of the interests of owners of riding horses and one of whom shall be representative of the interests of owners of carriage horses.

2. Two members shall be appointed from the public at large. However, in no event shall more than one person so appointed to the board be a member of the board of directors or an employee of any animal humane society or association.

3. One member shall be a veterinarian.

b. The terms of office of the members of the board shall be three years except that the terms of office of the members first appointed shall be as follows:

1. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-two.

2. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-three.

3. One of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-four.

c. The members of the board shall serve without compensation.

d. The board shall make recommendations to the commissioner on regulations necessary to carry out the provisions of this subchapter and to promote the health, safety and well-being of horses which are required to be licensed hereunder and of members of the public who hire such horses.

§ 17-332 Violations.

a. Any violation of this subchapter, or of any of the rules promulgated hereunder, shall upon conviction thereof be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment not exceeding fifteen days, or both.

b. In lieu of criminal prosecution, any violation of this subchapter or any of the rules promulgated hereunder may be prosecuted as civil violations subject to a civil penalty of not less than twenty-five dollars nor more than five hundred dollars or by the suspension or revocation of a license and the suspension from work of the horse with respect to which the act caused the violation was committed or by both such civil penalty and suspension. Civil violations, under this section, shall be adjudicated before the administrative tribunal of the department.

Editor's note: For related unconsolidated provisions, see Appendix A at L.L. 1989/089.

§ 17-333 Lighting of horse drawn cabs. [Repealed]

§ 17-334 Construction.

a. The provisions of this subchapter shall not be construed to supersede or affect any of the provisions of subchapter twenty-one of chapter two of title twenty of the code relating to a "horse drawn cab" as defined therein or any of the regulations of the commissioner of consumer and worker protection promulgated thereunder.

b. The provisions of this subchapter shall not be construed to permit the possession or use of a horse in any area where such possession or use is prohibited by any other law, rule or regulation.

c. The provisions of this subchapter shall not be construed to prohibit the ASPCA or the department from enforcing any provision of law, rule or regulation relating to the humane treatment of animals with respect to any horse regardless of whether such horse is required to be licensed pursuant to the provisions of this subchapter.

(Am. L.L. 2020/080, 8/28/2020, eff. 8/28/2020)

Editor's note: For related unconsolidated provisions, see Appendix A at L.L. 2020/080.

§ 17-334.1 Training program and examination.

a. The department shall offer a training program and a written examination for all horse drawn cab drivers. The commissioner shall issue a certificate to any person successfully completing the training program and achieving satisfactory results on the written examination administered by the department. Subjects which shall be included in such training program are: (1) proper horse care and grooming, (2) proper preparation and cleaning of harnesses and padding, (3) proper fitting of the bit, bridle and harness to the horse, (4) proper hitching of the horse to the carriage, (5) traffic laws and rules of the city of New York, (6) permissible hours and areas of operation of horse drawn cabs in the city of New York, (7) all laws and rules of the city of New York pertaining in any way to horse drawn cabs and (8) such other subjects as shall be deemed appropriate and necessary by the commissioner.

b. The department may impose a fee for the training program and examination, as provided in subdivision a herein, in order to defray expenses incurred in the administration thereof.

c. The department shall offer the training program and examination, as provided in subdivision a herein, on a regularly scheduled basis, no less frequently than at least four times per year or more frequently as deemed necessary by the commissioner.

d. The training program shall be available only to persons holding a currently valid driver's license.

Editor's note: For related unconsolidated provisions, see Appendix A at L.L. 1989/089.