

## DID YOU KNOW???

### DOG ON DRIVER'S LAP – UNSAFE AT ANY SPEED

A Lake Placid reader of these weekly traffic safety articles returned a few months ago from a trip. He remarked about how many drivers he observed along the way with a dog on the driver's lap or between the driver and the driver's window, and inquired if this unsafe practice was illegal.

To answer his question, a careful review of NYS Vehicle and Traffic Law (VTL) did not reveal anything specific to this practice under the sections applicable to "driver distraction", and more specifically section 1213 – "Obstruction to driver's view or driving mechanism." The closest thing I could find in VTL was section 1213 (b), which states: **No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle."**

So, does this apply to a dog on the driver's lap? Certainly a dog, no matter how small, riding on the driver's lap could easily interfere with the driver's control over the vehicle. Unfortunately VTL wording uses "passenger". Could an animal be deemed a "passenger"? A request to DMV counsel returned this answer: "The VTL is silent as to the definition of passenger as used in VTL 1213(b). DMV's Counsel's Office defers to the courts for such an interpretation." I'm not a lawyer and cannot elaborate on Counsel's response, but even though a driver with a dog on his/her lap might not be ticketed for any offense, it certainly doesn't give the okay to drive this way.

In researching material for this article I did find some interesting information pertaining to pets in vehicles. For instance, dogs shouldn't be allowed to hang out the window, where dirt or debris could injure their eyes. Pets should never ride in a seat equipped with frontal air bags which could deploy in a frontal crash injuring them severely. This in itself should preclude drivers allowing pets on their lap when driving – in a crash, the pet would be crushed between the driver and the airbag – this situation would also cause injury to the driver.

Pets should always be secured in a harness or crate when riding in a vehicle. Some states, including most of the New England states can charge the driver under that state's distracted driving law or with interference with the driver's control over driving mechanism – similar wording to NYS law. Also, in some states it is explicitly unlawful for a dog to ride on the driver's lap or in the immediate vicinity of the driver.

So, even if it may not be specifically illegal for a dog to be on a driver's lap in NYS, it may be illegal in other states, and, charges may be levied under distracted driving or interference with driver's control, laws that most every state has, including NY.

In summary, no matter the legality or illegality of driving with a pet on your lap, it is a very dangerous practice and should never be allowed.

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