

HB3339



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3339

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

New Act

Creates the Horse-drawn Carriage Regulation and Safety Act. Establishes requirements for the lawful operation of horse-drawn carriages and the horse-drawn carriage trade in the State. Requires licenses and identification cards issued by the Secretary of State for persons involved in the horse-drawn carriage trade. Provides requirements for the care of horses used horse-drawn carriages. Provides for prohibitions, including inclement weather conditions, when it is unlawful to operate a horse-drawn carriage in the State. Establishes rulemaking authority for the Secretary of State, in consultation with the Department of Transportation, Department of State Police, the Department of Agriculture, and any other relevant State agency. Defines terms. Makes other changes.

LRB101 08839 SLF 53928 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning horse drawn carriages.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Horse
5 Drawn Carriage Regulation and Safety Act.

6 Section 5. Definitions. In this Act:

7 "Carriage" means a device by which a person is transported
8 or in which a person rides, for hire, and that is designed to
9 be pulled or drawn by a horse in the horse-drawn carriage trade
10 which includes a wagon, cart, vehicle, or similar
11 transportation device.

12 "Custodian" means a person who has the immediate
13 possession, bailment, custody, use, or control of a horse,
14 which includes a driver.

15 "Driver" means a person licensed to drive, steer,
16 transport, or operate a carriage or horse used in the
17 horse-drawn carriage trade.

18 "Horse" means a large solid-hoofed herbivorous
19 domesticated mammal or similar animal that belongs to the Equus
20 caballus family and weighs at least 1,100 pounds, and that is
21 used for the purpose of driving, pulling, or hauling a
22 carriage, or for the purposes of a performance, not including
23 any animal owned by the State or the United States government

1 that is used solely for law enforcement purposes.

2 "Horse-drawn carriage trade" means a person or business
3 that operates an enterprise, for hire, or as a contractual
4 service, for the purpose of conveying persons or goods through
5 the use of a horse to pull or haul a wagon, cart, carriage,
6 vehicle, or similar device along the public streets in the
7 State not including the use of a horse in a parade or in a
8 funeral for which a permit is issued.

9 "Identification card" means a document devised, supplied,
10 and certified by the Secretary of State, in consultation with
11 the Department of Agriculture, and signed and dated by a
12 licensed veterinarian which shall include:

13 (1) the date of the last physical examination of the
14 horse;

15 (2) a description of the horse, including sex, age,
16 height, color, markings, and any other information that may
17 facilitate identification of the horse;

18 (3) the stamina and physical condition of the horse;

19 (4) any condition that might restrict or affect the use
20 or movement of the horse;

21 (5) a photograph of the horse;

22 (6) an identification number;

23 (7) the name, address, and telephone number of the
24 establishment where the horse is stabled; and

25 (8) the name, address, and telephone number of the
26 owner of the horse.

1 "License" means a valid permit or other document issued by
2 the Secretary of State to a person or business for the purpose
3 of operating a horse-drawn carriage trade enterprise.

4 "Licensed veterinarian" means a veterinarian licensed
5 under the Veterinary Medicine and Surgery Practice Act of 2004
6 in which he or she engages in the practice of veterinary
7 medicine.

8 "Operator" means the proprietor or the agent of a
9 proprietor of a horse-drawn carriage trade enterprise or a
10 stable.

11 "Owner" means a person who is vested with the ownership,
12 control, or title of a horse-drawn carriage trade, horse, or
13 stable.

14 "Peace officer" has the meaning ascribed to it in Section
15 2-13 of the Criminal Code of 2012.

16 "Stable" means a barn, establishment, or similar
17 appropriate facility where a horse is permanently or
18 temporarily boarded, housed, or maintained.

19 Section 10. Regulation of horse-drawn carriage trade.

20 (a) It is unlawful to operate a horse-drawn carriage trade
21 in this State without a license and an identification card
22 issued by the Secretary of State.

23 (b) Upon application on a form devised by the Secretary of
24 State and the payment of a fee not to exceed \$100, a person may
25 be issued a license to operate a horse-drawn carriage trade in

1 this State.

2 (c) Upon application on a form approved by the Secretary of
3 State and the payment of a fee not to exceed \$30, an owner,
4 operator, or custodian may be issued an identification card for
5 each horse used in the operation of a horse-drawn carriage
6 trade in this State.

7 (d) A person may not drive or otherwise operate a carriage
8 engaged in the horse-drawn carriage trade unless he or she:

9 (1) is at least 18 years of age;

10 (2) has received at least 35 hours of training in the
11 operation of a horse-drawn carriage as provided and
12 certified in writing by the owner or operator of a
13 horse-drawn carriage trade, 15 hours of which shall include
14 an apprenticeship under the supervision of a licensed
15 horse-drawn carriage driver;

16 (3) presents a statement from a licensed physician that
17 certifies that he or she is in good physical condition and
18 is free of visual impairment not corrected by eyeglasses or
19 contact lenses, epilepsy, vertigo, or other medical
20 disabilities which may substantially impair his or her
21 ability to operate a horse-drawn carriage or to control a
22 horse; and

23 (4) has completed a written examination approved by the
24 Secretary which includes, but is not limited to:

25 (A) knowledge of the traffic laws and regulations,
26 including passage of the written portion of the

1 driver's license test;

2 (B) proper equine grooming, care, equipment,
3 nutrition, and first aid; and

4 (C) operation of a horse-drawn carriage.

5 (e) A person may not drive or operate a horse-drawn
6 carriage on any public street in this State:

7 (1) between the hours of 5:00 a.m. and 10:00 a.m., on
8 Monday through Friday, excluding legal holidays;

9 (2) between the hours of 4:00 p.m. and 6:30 p.m., on
10 Monday through Friday, excluding legal holidays;

11 (3) between the hours of 1:30 a.m. and 5:00 a.m. on any
12 day; and

13 (4) on any day or at any time that the Department of
14 State Police makes a specific determination that the
15 horse-drawn carriage trade would be inconsistent with
16 other special events or public safety requirements.

17 (f) The driver of a horse-drawn carriage shall:

18 (1) possess and display at all times his or her license
19 to operate a horse-drawn carriage in the front and
20 passenger compartments of the carriage;

21 (2) possess a valid identification card issued by the
22 Secretary of State;

23 (3) obey and observe all traffic laws;

24 (4) not smoke, eat, drink, or wear headphones while the
25 carriage is in motion;

26 (5) not drive the carriage at a speed that exceeds a

1 walk, except as necessary to cross a traffic intersection
2 or to refrain from impeding traffic;

3 (6) leave the horse-drawn carriage unattended at any
4 time;

5 (7) not drive the carriage at any time when a passenger
6 is standing in the carriage or not seated securely inside
7 of the carriage;

8 (8) maintain both hands on the reins and be seated at
9 all times the carriage is in motion; and

10 (9) provide humane care and treatment of the horse
11 under his or her direct supervision and control at all
12 times.

13 Section 15. Examination of horses.

14 (a) The owner, operator, or custodian of each horse engaged
15 in the horse-drawn carriage trade shall have the horse examined
16 by a licensed veterinarian at intervals of not more than 12
17 months.

18 (b) The examinations shall include, but not be limited to,
19 the following:

20 (1) the general physical condition of the horse;

21 (2) an inspection of the eyes, teeth, legs, hooves,
22 shoes, and cardiovascular system of the horse;

23 (3) the stamina and physical ability of the horse to
24 engage in the horse-drawn carriage trade;

25 (4) an inspection for a recurrence of prior injuries;

1 and

2 (5) an inspection for disease or other deficiencies.

3 (c) The examination shall include a certification from the
4 licensed veterinarian that the horse is physically fit to
5 engage in the horse-drawn carriage trade and is free of any
6 disease or internal parasites. The certification shall be
7 entered by the Secretary of State on the identification card.

8 Section 20. Identification card.

9 (a) The owner, operator, or custodian of a horse engaged in
10 the horse-drawn carriage trade shall have available for
11 immediate inspection by the Secretary of State or his or her
12 designee, a police officer, or an animal control officer at all
13 times when a horse is on any public street in this State, an
14 identification card issued by the Secretary of State as defined
15 in Section 5.

16 (b) In an instance when the owner rents, hires, or places
17 the horse in the care or custody of another person, he or she
18 shall provide that person with the identification card required
19 by subsection (a).

20 (c) The Secretary of State shall certify the identification
21 card following an examination of the horse by a licensed
22 veterinarian.

23 Section 25. Care and use of horses in horse-drawn carriage
24 trade.

1 (a) An owner, operator, or custodian of a horse engaged in
2 the horse-drawn carriage trade shall:

3 (1) not use, work, drive, ride, or require labor from a
4 horse for more than 8 hours in any 24 hour-period;

5 (2) provide for adequate rest periods for a horse
6 during the 8 hours of use;

7 (3) provide the horse with food and drinking water from
8 a clean container of sufficient size and in good condition
9 during regular intervals during the 8 hours of use;

10 (4) drape the body of the horse from forelegs to hind
11 legs with a warm covering during times of cold or inclement
12 weather;

13 (5) park the horse in an area of shade whenever
14 practicable during rest periods;

15 (6) not overdrive or overload a horse as evidenced by
16 physical stress, strain, or exhaustion of the horse; and

17 (7) not beat or prod a horse to maintain a fast gait in
18 any way that will cause pain or injury to the horse.

19 (b) An owner, operator, or custodian of a horse engaged in
20 the horse-drawn carriage trade may not use a horse to draw a
21 carriage unless the:

22 (1) horse is in good health in accordance with
23 standards established by the Secretary of State, in
24 consultation with the Department of Agriculture, by rule;

25 (2) horse weighs at least 1,100 pounds; and

26 (3) hooves of the horse are properly shod and trimmed

1 utilizing rubber compound shoes on the front 2 hooves and
2 either rubber or open steel borium cork tip shoes on the 2
3 rear hooves.

4 Section 30. Horse-drawn carriages; requirements.

5 (a) An owner, operator, or custodian of a horse engaged in
6 the horse-drawn carriage trade shall:

7 (1) provide that the carriage used is in good operating
8 condition, the axles are well-greased, and that all
9 operating mechanisms are in good working order;

10 (2) provide that the carriage is equipped with
11 hydraulic brakes in good working condition and set in a
12 locked position when the carriage is not in motion;

13 (3) provide that the saddle, harness, shoes, bridle,
14 and any other equipment for the horse fits properly, is in
15 good working condition, and will not cause injury or pain
16 to the horse;

17 (4) not use curb bits, twisted wire, twisted wire
18 snaffles, spurs, bucking straps, flank straps, or similar
19 devices;

20 (5) inspect daily all horses and equipment at the time
21 of departure from and return to the stable; and

22 (6) provide that all horses are equipped with a diaper
23 that is constructed of a sturdy material and is properly
24 fitted to the horse to ensure comfort.

25 (b) A carriage engaged in the horse-drawn carriage trade

1 may not be driven or operated on a public street in this State
2 unless the owner or operator of the carriage has obtained a
3 valid registration and metal license plate issued by the
4 Secretary of State under a procedure and fees established by
5 rule.

6 (c) A carriage used in the horse-drawn carriage trade
7 shall:

8 (1) have conspicuously displayed on the rear of the
9 carriage at all times a valid license plate provided for in
10 subsection (b);

11 (2) be equipped with a slow-moving vehicle emblem to be
12 attached to the rear of the carriage;

13 (3) be maintained in a safe and sanitary condition;

14 (4) not drive or transport more than 6 passengers at
15 one time, excluding the driver or operator of the carriage;

16 (5) not drive or transport any person if a person other
17 than a licensed-driver or an apprenticed-driver is seated
18 in the driver's seat of the carriage; and

19 (6) not have any legend, slogan, logo, or other
20 exterior sign on the carriage, other than its legal license
21 plates and the name and telephone number of the horse-drawn
22 carriage in letters not to exceed 3 inches in height.

23 (d) The Secretary of State may, by rule, establish
24 additional inspection requirements for a carriage and other
25 equipment used in the horse-drawn carriage trade.

1 Section 35. Horse-drawn carriages; weather conditions.

2 (a) An owner, operator, or custodian of a horse engaged in
3 the horse-drawn carriage trade may not drive, use, or work a
4 horse on a public street in this State during:

5 (1) periods when the temperature exceeds 89 degrees
6 Fahrenheit, as determined and announced by the National
7 Weather Service;

8 (2) periods when the temperature is below 25 degrees
9 Fahrenheit, as determined and announced by the National
10 Weather Service;

11 (3) periods when it is snowing; or

12 (4) other periods determined by the Department of State
13 Police, in consultation with the Department of
14 Agriculture, as being dangerous or unsuitable for travel
15 for horse-drawn carriages.

16 (b) A horse in use at the time described in subsection (a)
17 shall be immediately returned by its owner, operator, or
18 custodian by the most direct route to a stable.

19 Section 40. Horse stabling.

20 (a) The owner, operator, or custodian of a horse engaged in
21 the horse-drawn carriage trade shall house, quarter, or
22 maintain a horse in a lighted, clean, dry, and properly
23 ventilated stable in which the horse shall be able to turn
24 around easily in a stall.

25 (b) The owner, operator, or custodian of a horse engaged in

1 the horse-drawn carriage trade shall clean the stall in which a
2 horse is housed, quartered, or maintained daily and shall
3 provide sufficient bedding of straw, shavings, or other
4 suitable hygienic material that shall be changed as often as
5 necessary to maintain it in a clean and dry condition.

6 (c) The owner, operator, or custodian of a horse engaged in
7 the horse-drawn carriage trade shall provide the stall in which
8 the horse is housed, quartered, or maintained with clean, fresh
9 water and with an adequate and substantial daily supply of hay
10 and grain that is free from contamination and mold to meet the
11 normal daily feeding requirements for the condition, size, and
12 work schedule of the horse.

13 (d) The owner, operator, or custodian of a horse engaged in
14 the horse-drawn carriage trade shall provide each stall with a
15 clean block of salt at all times and blankets for the horse
16 during cold weather periods as necessary.

17 (e) The full name, current business address, and business
18 and home telephone numbers of the owner, operator, or custodian
19 of a horse engaged in the horse-drawn carriage trade and the
20 owner or operator of the stable shall be legibly stenciled and
21 conspicuously displayed, in at least 2-inch lettering, on the
22 exterior of the stable entrance for emergency purposes.

23 Section 45. Sick or injured horses.

24 (a) The owner, operator, or custodian of a horse engaged in
25 the horse-drawn carriage trade that is in pain, sick, diseased,

1 lame, or injured shall take action to obtain immediate
2 veterinary treatment, care, and attention for the horse.

3 (b) An injured, sick, diseased, or lame horse may not be
4 sold or otherwise disposed of except in a humane manner.

5 (c) A person may not drive, use, or work an injured, sick,
6 diseased, or lame horse in the horse-drawn carriage trade.

7 Section 50. Recordkeeping.

8 (a) The owner or operator of a horse-drawn carriage trade
9 shall maintain or require his or her driver to maintain a daily
10 record of travel for each carriage used, which shall include:

11 (1) the name of the driver;

12 (2) the driver's license number;

13 (3) the horse-drawn carriage trade license number;

14 (4) the identification card number of the horse that
15 hauls or pulls the carriage;

16 (5) the date;

17 (6) the hours of operation;

18 (7) the specific location, time, and number of
19 passengers for each ride in the carriage;

20 (8) the rest, water, and feeding times for the horse;

21 and

22 (9) a description of any and all traffic accidents.

23 (b) The owner or operator of a horse-drawn carriage trade
24 shall maintain a complete log of all records at his or her
25 place of business.

1 Section 55. Penalties.

2 (a) A person who violates this Act is guilty of a petty
3 offense and shall be fined up to \$300 for the first offense and
4 up to \$500 for each subsequent offense.

5 (b) Any owner, operator, or custodian of a horse engaged in
6 the horse-drawn carriage trade who causes serious intentional
7 injury to the horse by neglect or inhumane treatment is guilty
8 of a petty offense and shall be fined up to \$2,500.

9 Section 60. Rulemaking. The Secretary of State, in
10 consultation with the Department of Transportation, Department
11 of State Police, the Department of Agriculture, and any other
12 relevant State agency shall adopt rules necessary to implement
13 the licensing and other provisions of this Act.