

AMENDED IN SENATE SEPTEMBER 14, 2001

AMENDED IN SENATE APRIL 4, 2001

AMENDED IN SENATE MARCH 19, 2001

SENATE BILL

No. 236

Introduced by Senator O'Connell

February 14, 2001

An act to add Sections 1730 and 1731 to the Civil Code, and to amend Section 30502 of, and to add Section 30802.5 to, the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 236, as amended, O'Connell. Dogs and cats: microchip: permits.

Existing law provides for the regulation and licensure of dogs and cats, as specified.

This bill would enact civil provisions that would require ~~any person who wishes to engage in the sale of, or advertising for the sale of, a seller or breeder of a dog or cat that is less than one year old in a county, city, or city and county to obtain and possess a permit from~~ *pay a registration fee for the sale to the agency or entity providing animal control services to the county, city, or city and county as specified, prior to any such sale or advertising. The registration fee receipt number would be required to be displayed in any advertisement for the sale of the dog or cat.* The bill would provide that the county, city, or city and county may establish a fee for each ~~permit~~ *registration* that may be used only for specified purposes, including the costs of administering the bill's provisions. The bill would require local officials to maintain records regarding the number and type of dogs and cats sold pursuant

to these provisions. The bill would require that these records be open to public inspection, as specified.

The bill would also require the seller of any dog or cat to ensure that the dog or cat has been microchipped.

The bill would also require local ordinances governing the issuance of dog license tags to require the owner of a dog to notify animal control when he or she transfers the dog to a new owner and to provide contact information for the new owner of record.

By imposing new duties on local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1730 is added to the Civil Code, to read:
- 2 1730. (a) ~~Any person who sells a dog or cat less than one year~~
- 3 ~~old shall be required to obtain and possess a permit issued by the~~
- 4 ~~county, city, or city and county of his or her residence or place of~~
- 5 ~~business in compliance with this section, prior to the sale.~~
- 6 (b) ~~A permit to sell a dog or cat less than one year old shall be~~
- 7 ~~issued by the agency or entity providing animal control services to~~
- 8 ~~the county, city, or city and county, in accordance with an~~
- 9 ~~ordinance that substantially complies with this section and does all~~
- 10 ~~of the following:~~
- 11 (1) ~~Requires the seller of a dog or cat that is less than one year~~
- 12 ~~old to obtain a permit and pay the required fee for each sale, which~~
- 13 ~~shall relate only to the sale of one particular dog or cat, and to have~~
- 14 ~~in his or her possession a copy of that permit, prior to any sale.~~
- 15 (2) ~~Provides that the seller of a dog or cat that is less than one~~
- 16 ~~year old may not engage in advertising the sale of a dog or cat that~~
- 17 ~~is less than one year old without first obtaining a permit to sell a~~
- 18 ~~dog or cat that is less than one year old. Any advertisement for the~~



1 ~~sale of a dog or cat that is less than one year old shall include the~~
2 ~~permit number.~~

3 ~~(3) Provides that the permit shall state the age, sex, color, and~~
4 ~~breed of the dog or cat for which the permit is desired and shall~~
5 ~~include the street address and telephone number of the seller.~~

6 ~~(4) Provides that the~~ *No seller or breeder of a dog or cat may*
7 *sell a dog or cat less than one year old unless a registration fee for*
8 *the sale has been paid to the county, city, or city and county agency*
9 *providing animal control services.*

10 *(b) The registration fee receipt number issued by the local*
11 *agency pursuant to subdivision (a) shall be displayed in any*
12 *advertisement for the sale of the dog or cat.*

13 *(c) The local agency shall obtain from the seller or breeder of*
14 *a dog or cat the age, sex, color, and breed of the dog or cat and the*
15 *street address and telephone number of the seller.*

16 *(d) The county, city, or city and county may establish a fee for*
17 *each ~~permit~~ registration to sell a dog or cat that is less than one*
18 *year old. It is the intent of the Legislature that the proceeds from*
19 *this fee be used to supplement, rather than supplant, existing*
20 *funding for the purposes described in this paragraph. The fee may*
21 *be used only for the following purposes:*

22 ~~(A)~~

23 *(1) A public education program to prevent overpopulation of*
24 *dogs and cats.*

25 ~~(B)~~

26 *(2) A program to spay or neuter dogs or cats.*

27 ~~(C)~~

28 *(3) The safe and sanitary shelter of dogs and cats.*

29 ~~(D)~~

30 *(4) Programs to encourage the adoption of dogs and cats.*

31 ~~(E)~~

32 *(5) The costs of microchipping dogs and cats.*

33 ~~(F)~~

34 *(6) The costs of administering the provisions of this section.*

35 ~~(5)~~

36 *(e) The county clerk or the agency or entity providing animal*
37 *control services shall maintain records regarding the number and*
38 *type of dogs and cats sold and the source that sold the dogs and cats.*
39 *The records shall be open to public inspection. The name and*
40 *address of the seller may not be open to public inspection.*



1 ~~(e)~~
 2 (f) Any agency or entity that provides animal control services
 3 to any county, city, or city and county may enter into cooperative
 4 agreements with each other in carrying out this section.

5 ~~(d)~~
 6 (g) For the purposes of this section, the following terms have
 7 the following meanings:

8 (1) “Advertising” includes, but is not limited to, advertising in
 9 newspapers, flyers, newsletters, magazines, periodicals, or other
 10 publications, electronic media, Internet Web sites, oral offers, or
 11 the display of a dog or cat.

12 (2) “Seller” does not include a person or organization that
 13 shelters dogs or cats and assesses a fee to recover the costs of
 14 sheltering dogs or cats.

15 SEC. 2. Section 1731 is added to the Civil Code, to read:

16 1731. The seller of any dog or cat shall ensure that the dog or
 17 cat has been microchipped and the owner’s identification has been
 18 entered into a local ~~or~~ *registry maintained by a county, city, or city*
 19 *and county agency providing animal control services or into a*
 20 national registry.

21 SEC. 3. Section 30502 of the Food and Agricultural Code is
 22 amended to read:

23 30502. Any dog license tag which is issued by any city and
 24 county or city constitutes compliance with this division if it is
 25 issued pursuant to an ordinance which does all of the following:

- 26 (a) Substantially complies with this division.
- 27 (b) Provides for the wearing of the license tag upon the collar
- 28 of the dog.
- 29 (c) Provides for the keeping of a record which shall establish
- 30 the identity of the person that owns or harbors the dog.

31 (d) Requires the owner of the dog to notify animal control when
 32 he or she transfers the dog to a new owner and to provide contact
 33 information for the new owner of record.

34 SEC. 4. Section 30802.5 is added to the Food and Agricultural
 35 Code, to read:

36 30802.5. Any dog license tag which is issued by any county
 37 constitutes compliance with this division if it is issued pursuant to
 38 an ordinance which requires the owner of the dog to notify animal
 39 control when he or she transfers the dog to a new owner and to
 40 provide contact information for the new owner of record.



1 SEC. 5. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 a local agency or school district has the authority to levy service
4 charges, fees, or assessments sufficient to pay for the program or
5 level of service mandated by this act, within the meaning of
6 Section 17556 of the Government Code.

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