

Introduced by Senator O’Connell

February 7, 2002

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 1373, as introduced, O’Connell. Dogs and cats: registration and microchipping.

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

This bill would enact civil provisions that would prohibit a seller or breeder of a dog or cat from selling a dog or cat that is less than one year old unless a registration fee for the sale has been paid to the county, city, or city and county providing animal control services. The bill would authorize those local entities to establish and impose a fine upon any seller or breeder who violates this provision. The bill would provide that the county, city, or city and county may establish a fee for each registration. The fees and fines imposed pursuant to these provisions would be used only for specified purposes, including the costs of administering the bill’s provisions. The bill would also require the registration fee receipt number to be displayed in any advertisement for the sale of the dog or cat. 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.

The bill would provide that a valid local ordinance that imposes more restrictive requirements than these provisions would prevail over these provisions.

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) No seller or breeder of a dog or cat may sell a dog
- 3 or cat less than one year old unless a registration fee for the sale
- 4 has been paid to the county, city, or city and county agency
- 5 providing animal control services. A seller or breeder who violates
- 6 this subdivision is subject to a fine as provided in subdivision (e).
- 7 (b) The registration fee receipt number issued by the local
- 8 agency pursuant to subdivision (a) shall be displayed in any
- 9 advertisement for the sale of the dog or cat.
- 10 (c) The local agency shall obtain from the seller or breeder of
- 11 a dog or cat the age, sex, color, and breed of the dog or cat and the
- 12 street address and telephone number of the seller.
- 13 (d) The county, city, or city and county may establish a fee for
- 14 each registration to sell a dog or cat that is less than one year old.
- 15 It is the intent of the Legislature that the proceeds from this fee be
- 16 used to supplement, rather than supplant, existing funding for the
- 17 purposes described in subdivision (f).
- 18 (e) The county, city, or city and county may establish and
- 19 impose a fine upon any seller or breeder who violates subdivision
- 20 (a) of this section.



1 (f) The fees and fines imposed pursuant to this section may be
2 used only for the following purposes:

3 (1) The costs of administering the provisions of this section.

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

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

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

7 (5) The costs of microchipping dogs and cats.

8 (6) A public education program to prevent overpopulation of
9 dogs and cats.

10 (g) The county clerk or the agency or entity providing animal
11 control services shall maintain records regarding the number and
12 type of dogs and cats sold and the source that sold the dogs and cats.
13 The records shall be open to public inspection. The name and
14 address of the seller may not be open to public inspection.

15 (h) Any agency or entity that provides animal control services
16 to any county, city, or city and county may enter into cooperative
17 agreements with each other in carrying out this section.

18 (i) For the purposes of this section, the following terms have the
19 following meanings:

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

24 (2) “Seller” does not include nonprofit organizations, as
25 defined in Section 501(c)(3) of the Internal Revenue Code, animal
26 rescue or adoption organizations, shelters operated by societies for
27 the prevention of cruelty to animals, and humane shelters that
28 contract to perform public animal control services.

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

30 1731. The seller of any dog or cat shall ensure that the dog or
31 cat has been microchipped and the owner’s identification has been
32 entered into a local registry maintained by a county, city, or city
33 and county agency providing animal control services or into a
34 national registry.

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

37 30502. Any dog license tag ~~which~~ *that* is issued by any city
38 and county or city constitutes compliance with this division if it is
39 issued pursuant to an ordinance ~~which~~ *that* does all of the
40 following:



- 1 (a) Substantially complies with this division.
- 2 (b) Provides for the wearing of the license tag upon the collar
- 3 of the dog.
- 4 (c) Provides for the keeping of a record which shall establish
- 5 the identity of the person that owns or harbors the dog.
- 6 (d) *Requires the owner of the dog to notify animal control when*
- 7 *he or she transfers the dog to a new owner and to provide contact*
- 8 *information for the new owner of record.*

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

11 30802.5. Any dog license tag that is issued by any county
12 constitutes compliance with this division if it is issued pursuant to
13 an ordinance that requires the owner of the dog to notify animal
14 control when he or she transfers the dog to a new owner and to
15 provide contact information for the new owner of record.

16 SEC. 5. Any valid local ordinance that imposes more
17 restrictive requirements than the provisions of Sections 1730 and
18 1731 of the Civil Code and Sections 30502 and 20802.5 of the
19 Food and Agricultural Code shall prevail over these sections.

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

