

AMENDED IN SENATE MAY 1, 2002  
AMENDED IN SENATE APRIL 16, 2002  
AMENDED IN SENATE APRIL 2, 2002

**SENATE BILL**

**No. 1373**

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**Introduced by Senator O'Connell**

February 7, 2002

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An act to add Sections 1730, 1731, 1732, 1733, and 1734 to the Civil Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1373, as amended, 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, operative July 1, 2003, that would prohibit a pet dealer or breeder, as defined, 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 local agency, as defined, providing animal control services. The bill would require local agencies to issue, upon payment of the registration fee, a registration number or numbers to the ~~seller~~ *pet dealer* or breeder. The bill would authorize a local agency to charge a fee to administer these provisions. The bill would express the intent of the Legislature that these fees 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 a dog or cat.

The bill would also require a pet dealer or breeder to ensure that the dog or cat has been microchipped.

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

The bill would also impose specified civil penalties upon pet dealers and breeders who violate 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. For the purposes of Sections 1731 to 1734, inclusive,
- 3 the following terms have the following meanings:
- 4 (a) "Advertisement" includes, but is not limited to, advertising
- 5 in newspapers, flyers, newsletters, magazines, periodicals, or
- 6 other publications, electronic media, Internet Web sites, oral
- 7 offers, or the display of a dog or cat.
- 8 (b) "Pet dealer" means a person engaging in the business of
- 9 selling dogs or cats, or both, at retail, and by virtue of the sales of
- 10 dogs and cats is required to possess a permit pursuant to Section
- 11 6066 of the Revenue and Taxation Code.
- 12 (c) "Breeder" means a person, firm, partnership, corporation,
- 13 or other association that ~~sells dogs or cats~~ *has sold, transferred, or*
- 14 *given away all or part of three or more litters or 20 dogs or cats*
- 15 *during the preceding 12 months* that were bred and reared on the
- 16 premises of the person, firm, partnership, corporation, or other
- 17 association. "Breeder" does not include publicly operated
- 18 pounds, humane societies, privately operated rescue groups or
- 19 organizations, or persons involved in the rescue of dogs or cats.
- 20 (d) "Local agency" means a city, county, or city and county
- 21 agency providing animal control or private society or pound



1 contracting with the local public agency for animal care or  
2 protection services.

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

4 1731. (a) No pet dealer or breeder may sell a dog or cat that  
5 is less than one year old unless a registration fee ~~for the sale~~ has  
6 been paid to the local agency providing animal control services  
7 according to the provisions of Section 1733. Upon payment of the  
8 registration fee, the local agency shall issue a registration number  
9 or numbers to the pet dealer or breeder as determined by the  
10 agency. *A pet dealer or breeder shall be required to register*  
11 *annually pursuant to this section.*

12 (b) The registration number or numbers issued by the local  
13 agency pursuant to subdivision (a) shall be displayed in any  
14 advertisement for the sale of the dog or cat.

15 (c) The local agency shall obtain from the pet dealer or breeder,  
16 the street address and telephone number of the pet dealer or  
17 breeder and the breed, sex, color and number of dogs or cats  
18 offered for sale.

19 SEC. 3. Section 1732 is added to the Civil Code, to read:

20 1732. A pet dealer or breeder shall ensure that the dog or cat  
21 has been microchipped and the owner's identification has been  
22 entered into a local registry maintained by a local agency  
23 providing animal control services or into a national registry.

24 SEC. 4. Section 1733 is added to the Civil Code, to read:

25 1733. A local agency may charge a fee for the administration  
26 of Sections 1731 and 1732. It is the intent of the Legislature that  
27 the proceeds from these fees be used to supplement, rather than  
28 supplant, existing funding of the local agency. The fees charged  
29 may be above the costs for administering Sections 1731 and 1732  
30 but may be used only for the following purposes:

31 (a) The costs of administering the provisions of Sections 1731  
32 and 1732.

33 (b) Programs to spay or neuter dogs and cats.

34 (c) Programs to encourage the adoption of dogs and cats.

35 (d) The costs of microchipping dogs and cats.

36 (e) Public education programs to prevent overpopulation of  
37 dogs and cats.

38 SEC. 5. Section 1734 is added to the Civil Code, to read:

39 ~~(a)~~



1 1734. (a) Any pet dealer or breeder who violates Sections  
 2 1731 or 1732 shall be subject to a civil penalty for a first offense  
 3 of up to one thousand dollars (\$1,000), or shall be prohibited from  
 4 selling dogs or cats for up to 30 days, or both. If there is a second  
 5 offense, a pet dealer or breeder shall be subject to a civil penalty  
 6 of up to two thousand five hundred dollars (\$2,500), or a  
 7 prohibition from selling dogs or cats for up to 90 days, or both. For  
 8 a third offense, a pet dealer or breeder shall be subject to a civil  
 9 penalty of up to five thousand dollars (\$5,000), or a prohibition  
 10 from selling dogs or cats for up to six months, or both. For a fourth  
 11 and subsequent offense, a pet dealer or breeder shall be subject to  
 12 a civil penalty of up to ten thousand dollars (\$10,000) or a  
 13 prohibition from selling dogs or cats for up to one year, or both.  
 14 For the purpose of this section, a violation that occurred more than  
 15 five years prior to the most recent violation shall not be considered.  
 16 An action for recovery of the civil penalty and for a court order  
 17 enjoining a pet dealer or breeder from engaging in the business of  
 18 selling dogs or cats at retail for the period set forth in this section,  
 19 may be prosecuted by the district attorney for the county in which  
 20 the violation occurred, or the city attorney for the city in that the  
 21 violation occurred, in the appropriate court.

22 (b) Nothing in this chapter limits or authorizes any act or  
 23 omission that violates Section 5971 of the Penal Code.

24 SEC. 6. Any valid local ordinance that imposes more  
 25 restrictive requirements than the provisions of Sections 1731 and  
 26 1732 of the Civil Code shall prevail over these sections.

27 SEC. 7. The provisions of this act shall become operative on  
 28 July 2003.

29 SEC. 8. No reimbursement is required by this act pursuant to  
 30 Section 6 of Article XIII B of the California Constitution because  
 31 a local agency or school district has the authority to levy service  
 32 charges, fees, or assessments sufficient to pay for the program or  
 33 level of service mandated by this act, within the meaning of  
 34 Section 17556 of the Government Code.

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