

AMENDED IN SENATE MAY 14, 2002

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~~ *January 1, 2004, as specified*, 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 pet dealer or breeder. The bill would authorize a local agency to charge a fee to ~~administer~~ *recover the cost of administering* 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 *authorize a local agency to implement these provisions by local ordinance prior to January 1, 2004, and 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 has sold, transferred, or given away all or
- 14 part of three or more litters or 20 dogs or cats during the preceding
- 15 12 months that were bred and reared on the premises of the person,
- 16 firm, partnership, corporation, or other association. "Breeder"
- 17 does not include publicly operated pounds, humane societies,



1 privately operated rescue groups or organizations, or persons  
2 involved in the rescue of dogs or cats.

3 (d) “Local agency” means a city, county, or city and county  
4 agency providing animal control or private society or pound  
5 contracting with the local public agency for animal care or  
6 protection services.

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

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

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

19 (c) The local agency shall obtain from the pet dealer or breeder,  
20 the street address and telephone number of the pet dealer or  
21 breeder and the breed, sex, color and number of dogs or cats  
22 offered for sale.

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

24 1732. A pet dealer or breeder shall ensure that the dog or cat  
25 has been microchipped and the owner’s identification has been  
26 entered into a local registry maintained by a local agency  
27 providing animal control services or into a national registry.

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

29 1733. A local agency may charge a fee ~~for~~ *to recover the cost*  
30 *of the administration of Sections 1731 and 1732, 1732, and 1734.*  
31 It is the intent of the Legislature that the proceeds from these fees  
32 be used to supplement, rather than supplant, existing funding of the  
33 local agency. The fees charged may be ~~above the costs for~~ *in excess*  
34 *of the costs of administering Sections 1731 and 1732, 1732, and*  
35 *1734, but may be used only for the following purposes:*

36 (a) The costs of administering the provisions of Sections 1731  
37 ~~and 1732, 1732, and 1734.~~

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

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

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



1 (e) Public education programs to prevent overpopulation of  
2 dogs and cats.

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

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

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

28 SEC. 6. Any valid local ordinance that imposes more  
29 restrictive requirements than the provisions of Sections 1731 and  
30 1732 of the Civil Code shall prevail over these sections.

31 SEC. 7. The provisions of this act shall become operative on  
32 ~~July 2003~~ *January 1, 2004; however, a local agency may*  
33 *implement these provisions by local ordinance at an earlier date.*

34 SEC. 8. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 a local agency or school district has the authority to levy service  
37 charges, fees, or assessments sufficient to pay for the program or



- 1 level of service mandated by this act, within the meaning of
- 2 Section 17556 of the Government Code.

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