

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY APRIL 5, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1121

Introduced by Assembly Member Pan

February 18, 2011

An act to amend Sections 30525, 30801, and 30804.5 of, and to add Sections 30503.5 and 30505 to, the Food and Agricultural Code, and to amend Section 38792 of the Government Code, relating to dog licensing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1121, as amended, Pan. Dog ~~Licensing~~: *licensing*: issuance: puppy licenses.

Existing law authorizes counties and cities to issue dog licenses and dog license tags for a fee, as specified. Existing law also prohibits a public animal control agency, animal or humane shelter, or a rescue group, as defined, from selling or giving away to a new owner any dog that has not been spayed or neutered, except as specified. *A violation of provisions governing the regulation and licensing of dogs is an infraction or a misdemeanor, except as specified.*

This bill would additionally require each pet dealer, as defined, humane society, rescue group, society for the prevention of cruelty to animals, or other specified entity to submit once a month, except as specified, a report to the public entity that is responsible for licensing dogs in the city or county in which the *pet dealer*, humane society, rescue group, society for the prevention of cruelty to animals, or ~~any~~

other specified entity is located. The bill would require the report to contain the name, address, and telephone number of the person who receives a dog, and other information regarding the dog, that was adopted or sold in the previous month, as specified, by the entity submitting the report. The bill would require the entity that submits the report to retain a copy of the report for 12 months. The bill would prohibit the use, distribution, or release of the information contained in the report for any purpose except to ensure compliance with existing state and local law. A violation of these provisions would be ~~an infraction~~ punishable by a *civil* fine of \$50 for the first offense and \$100 for each subsequent offense. *The bill would exempt an act in violation of these provisions from the provision which would make the violation a crime.* By imposing new duties on local officials who would receive and process the monthly reports described above ~~and by creating a new crime~~, the bill would impose a state-mandated local program.

This bill would allow a licensing agency to issue to the owner of a microchipped puppy a puppy license, as defined, which would expire when the puppy reaches one year of age, except as specified. The bill would also make conforming changes.

Existing law authorizes dog license tag to be issued for $\frac{1}{2}$ or less of the usual fee required for a dog if a certificate indicating that the dog has been spayed or neutered is presented from a licensed veterinarian.

This bill would authorize the city, county, or city and county to specify the means by which the dog owner may provide proof that the dog has been spayed or neutered.

~~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 with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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. It is the intent of the Legislature to encourage
2 anyone transferring ownership of a dog to advise the new owner
3 that all dogs four months of age or older must be licensed under
4 state law. It is further the intent of the Legislature to encourage all
5 veterinarians to advise all dog owners to license all dogs that are
6 four months of age or older.

7 SEC. 2. Section 30503.5 is added to the Food and Agricultural
8 Code, to read:

9 30503.5. (a) Each pet dealer, as defined in Section 122125 of
10 the Health and Safety Code, humane society, rescue group, society
11 for the prevention of cruelty to animals, or any entity described in
12 subdivision (b) of Section 122045 of the Health and Safety Code
13 shall submit once a month, 30 days after the close of business for
14 the previous month, a report to the public entity, if any, that is
15 responsible for licensing dogs in the city or county in which ~~that~~
16 the *pet dealer*, humane society, rescue group, society for the
17 prevention of cruelty to animals, or any entity *described in*
18 *subdivision (b) of Section 122045 of the Health and Safety Code*
19 is located. The report shall include the name, address, and
20 telephone number of the person who receives the dog that was
21 adopted or sold in the previous month by that entity submitting
22 the report. The report shall also include the breed of the dog, age
23 of the dog, microchip number for the dog, if any, and reproductive
24 status of the dog. A report shall not be required in any month in
25 which a dog was not adopted or sold. The reporting entity shall
26 retain copies of the report for 12 months. The information
27 contained in the report shall not be used, distributed, or released
28 for any purpose except to ensure compliance with existing state
29 and local law, including applicable licensing requirements and
30 regulations. A violation of this ~~subdivision is an infraction~~
31 ~~punishable by a fine of fifty dollars (\$50) for the first offense and~~
32 ~~one hundred dollars (\$100) for each subsequent offense.~~
33 *subdivision may be subject to a civil fine as determined by the*

1 *local jurisdiction. The fine shall not exceed fifty dollars (\$50) for*
2 *the first offense and one hundred dollars (\$100) for each*
3 *subsequent offense. A violation of this section is not subject to*
4 *Section 31401.*

5 (b) For the purposes of this section a “rescue group” is a
6 for-profit or not-for-profit entity, or a collaboration of individuals
7 with at least one of its purposes being the sale or placement of
8 dogs that have been removed from a public animal control agency
9 or shelter, society for the prevention of cruelty to animals shelter,
10 or humane shelter, or that have been previously owned by any
11 person other than the original breeder of that dog.

12 SEC. 3. Section 30505 is added to the Food and Agricultural
13 Code, to read:

14 30505. (a) Whenever a dog license tag is issued pursuant to
15 this division, the tag shall be issued for one-half or less of the fee
16 required for a dog, if a certificate is presented from a licensed
17 veterinarian that the dog has been spayed or neutered.

18 (b) *A licensing entity may issue a puppy license pursuant to this*
19 *division. A dog license tag issued for a microchipped puppy shall*
20 *be known as a puppy license. ~~A liceneing entity may issue a puppy~~*
21 *license pursuant to this division. Except as described in subdivision*
22 ~~(e)~~ (d), a puppy license shall expire when the puppy reaches one
23 year of age. Upon the expiration of a puppy license, the owner of
24 the puppy shall obtain a dog license tag and the fee for that dog
25 license tag shall be the same fee that is authorized pursuant to
26 subdivision (a) and Section 30804 for a dog that has been spayed
27 or neutered.

28 (c) Notwithstanding any other law or local ordinance, a puppy
29 license shall, upon application of the owner, be issued for a
30 microchipped puppy regardless of whether the puppy has had an
31 antirabies vaccination.

32 (d) (1) (A) Notwithstanding subdivision (b), a puppy license
33 shall expire when the puppy reaches five months of age if the
34 owner has not provided acceptable proof, on or before that date,
35 to the entity that issued the license that the puppy has received an
36 antirabies vaccination.

37 (B) If the puppy license expires pursuant to this paragraph, the
38 owner shall not be eligible to obtain a second puppy license.

39 (2) If the owner of a puppy described in subparagraph (A) of
40 paragraph (1) provides the issuing agency with satisfactory

1 evidence that the puppy has received an antirabies vaccination,
2 the puppy license shall expire when the puppy reaches one year
3 of age.

4 (3) The fee for a puppy license pursuant to this subdivision shall
5 be the same fee that is authorized pursuant to Section 30804 for a
6 dog that has been spayed or neutered.

7 (e) For purposes of this section, “puppy” means any
8 microchipped dog under 12 months of age.

9 SEC. 4. Section 30525 of the Food and Agricultural Code is
10 amended to read:

11 30525. (a) Whenever a dog license tag is issued pursuant to
12 this division, the tag shall be issued for one-half or less of the fee
13 required for a dog, if a certificate is presented from a licensed
14 veterinarian that the dog has been spayed or neutered.

15 (b) A city or county subject to this chapter that issues a dog
16 license tag for a puppy, as defined in ~~subdivision (e)~~ of Section
17 30505, shall issue that dog license tag pursuant to Section 30505.

18 SEC. 5. Section 30801 of the Food and Agricultural Code is
19 amended to read:

20 30801. (a) A board of supervisors may provide for the issuance
21 of serially numbered metallic dog licenses pursuant to this section.
22 The dog licenses shall be stamped with the name of the county
23 and the year of issue.

24 (b) The board of supervisors or animal control department may
25 authorize veterinarians to issue the licenses to owners of dogs who
26 make application.

27 (c) The licenses shall be issued for a period of not to exceed
28 two years.

29 (d) In addition to the authority provided in subdivisions (a), (b),
30 and (c), a license may be issued, as provided by this section, by a
31 board of supervisors for a period not to exceed three years for dogs
32 that have attained the age of 12 months, or older, and who have
33 been vaccinated against rabies. The person to whom the license is
34 to be issued pursuant to this subdivision may choose a license
35 period as established by the board of supervisors of up to one, two,
36 or three years. However, when issuing a license pursuant to this
37 subdivision, the license period shall not extend beyond the
38 remaining period of validity for the current rabies vaccination.

1 (e) A license that is issued for a puppy, as described in
 2 ~~subdivision (e) of Section 30505~~, shall be subject to Section 30505
 3 or subdivision (b) of Section 30525.

4 SEC. 6. Section 30804.5 of the Food and Agricultural Code is
 5 amended to read:

6 30804.5. Whenever dog license tags are issued pursuant to this
 7 division, that tag shall be issued for one-half or less of the fee
 8 required for a dog under either of the following circumstances:

9 (a) The dog owner provides evidence that the dog has been
 10 spayed or neutered. The responsible city, county, or city and county
 11 may specify the means by which the dog owner is required to
 12 provide proof that his or her dog has been spayed or neutered
 13 including, but not limited to, by electronic transmission or
 14 facsimile.

15 (b) The tag is issued pursuant to subdivision (d) of Section
 16 30505.

17 SEC. 7. Section 38792 of the Government Code is amended
 18 to read:

19 38792. (a) The legislative body of a city may impose and
 20 collect a license fee for a period not to exceed two years and not
 21 exceeding the cost of services relating to dogs, including, but not
 22 limited to, animal shelters and control and the programs specified
 23 in Section 30652 of the Food and Agricultural Code, provided by
 24 the city, on every dog owned or harbored within the city limits.
 25 The license fee for spayed bitches and neutered males, and for
 26 licenses issued pursuant to subdivision (d) of Section 30505, shall
 27 not exceed 50 percent of the license fee otherwise imposed.

28 (b) In addition to the authority provided in subdivision (a), the
 29 legislative body of a city may impose and collect a license fee, as
 30 described in subdivision (a), for a period not to exceed three years
 31 for dogs that have attained the age of 12 months or older and have
 32 been vaccinated. The person from whom the license fee is collected
 33 pursuant to this subdivision may choose a license period as
 34 established by the legislative body of up to one, two, or three years.
 35 However, when imposing and collecting a license fee pursuant to
 36 this subdivision, the license period shall not extend beyond the
 37 remaining period of validity for the current rabies vaccination. The
 38 license fee for spayed bitches and neutered males, under this
 39 subdivision, shall not exceed 50 percent of the license fee otherwise
 40 imposed.

1 ~~SEC. 8. No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution for certain~~
3 ~~costs that may be incurred by a local agency or school district~~
4 ~~because, in that regard, this act creates a new crime or infraction,~~
5 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
6 ~~or infraction, within the meaning of Section 17556 of the~~
7 ~~Government Code, or changes the definition of a crime within the~~
8 ~~meaning of Section 6 of Article XIII B of the California~~
9 ~~Constitution.~~

10 However, if the Commission on State Mandates determines that
11 this act contains other costs mandated by the state, reimbursement
12 to local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

15 ~~SEC. 8. If the Commission on State Mandates determines that~~
16 ~~this act contains costs mandated by the state, reimbursement to~~
17 ~~local agencies and school districts for those costs shall be made~~
18 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
19 ~~4 of Title 2 of the Government Code.~~