

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: 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.

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 humane society, rescue group, society for the prevention of cruelty to animals, or any 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 ~~restrict~~ prohibit the use, distribution, or release of the information contained in the report to notifying the dog owner that he or she needs to license his or her dog for any purpose except to ensure compliance with existing state and local law. A violation of ~~this provision~~ these provisions would be an infraction punishable by a fine of \$50 for the first offense and \$100 for each subsequent offense. 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.

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

1 veterinarians to advise all dog owners to license all dogs that are
2 four months of age or older.

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

5 30503.5. (a) Each pet dealer, as defined in Section 122125 of
6 the Health and Safety Code, humane society, rescue group, society
7 for the prevention of cruelty to animals, or any entity described in
8 subdivision (b) of Section 122045 of the Health and Safety Code
9 shall submit once a month, 30 days after the close of business for
10 the previous month, a report to the public entity, if any, that is
11 responsible for licensing dogs in the city or county in which that
12 the humane society, rescue group, society for the prevention of
13 cruelty to animals, or any entity is located. The report shall include
14 the name, address, and telephone number of the person who
15 receives the dog that was adopted or sold in the previous month
16 by that entity submitting the report. The report shall also include
17 the breed of the dog, age of the dog, microchip number for the
18 dog, if any, and reproductive status of the dog. A report shall not
19 be required in any month in which a dog was not adopted or sold.
20 ~~Information from the report shall not be used for any purpose other~~
21 ~~than advising the dog owner that the dog is required to be licensed.~~
22 ~~The report shall not be shared with any other local public entity,~~
23 ~~except as otherwise provided by law. A violation of this~~ *The*
24 *reporting entity shall retain copies of the report for 12 months.*
25 *The information contained in the report shall not be used,*
26 *distributed, or released for any purpose except to ensure*
27 *compliance with existing state and local law, including applicable*
28 *licensing requirements and regulations. A violation of this*
29 subdivision is an infraction punishable by a fine of fifty dollars
30 (\$50) for the first offense and one hundred dollars (\$100) for each
31 subsequent offense.

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

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

1 30505. (a) Whenever a dog license tag is issued pursuant to
2 this division, the tag shall be issued for one-half or less of the fee
3 required for a dog, if a certificate is presented from a licensed
4 veterinarian that the dog has been spayed or neutered.

5 (b) A dog license tag issued for a *microchipped* puppy shall be
6 known as a puppy license. *A licencing entity may issue a puppy*
7 *license pursuant to this division.* Except as described in subdivision
8 (e), a puppy license shall expire when the puppy reaches one year
9 of age. Upon the expiration of a puppy license, the owner of the
10 puppy shall obtain a dog license tag and the fee for that dog license
11 tag shall be subject to subdivision (a) and Section 30804. *be the*
12 *same fee that is authorized pursuant to subdivision (a) and Section*
13 *30804 for a dog that has been spayed or neutered.*

14 (c) Notwithstanding any other law or local ordinance, a puppy
15 license shall, upon application of the owner, be issued *for a*
16 *microchipped puppy* regardless of whether the puppy has had an
17 antirabies vaccination.

18 ~~(d) If the puppy is under eight months of age, has not been~~
19 ~~spayed or neutered, but has been microchipped, the fee for the~~
20 ~~puppy license shall be the amount of the fee described in~~
21 ~~subdivision (a).~~

22 (e) (1) (A) Except as described in paragraph (2), if the puppy
23 is under five months of age, and if subdivision (d) does not apply,
24 the puppy license shall expire when the puppy reaches five months
25 of age.

26 (d) (1) (A) *Notwithstanding subdivision (b), a puppy license*
27 *shall expire when the puppy reaches five months of age if the owner*
28 *has not provided acceptable proof, on or before that date, to the*
29 *entity that issued the license that the puppy has received an*
30 *antirabies vaccination.*

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

33 (2) If the owner of a puppy described in subparagraph (A) of
34 paragraph (1) provides the issuing agency with satisfactory
35 evidence that the puppy has received an antirabies vaccination,
36 the puppy license shall expire when the puppy reaches one year
37 of age.

38 (3) The fee for a puppy license pursuant to this subdivision shall
39 ~~be subject to Section 30804. be the same fee that is authorized~~

1 *pursuant to Section 30804 for a dog that has been spayed or*
2 *neutered.*

3 ~~(f)~~

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

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

8 30525. (a) Whenever a dog license tag is issued pursuant to
9 this division, the tag shall be issued for one-half or less of the fee
10 required for a dog, if a certificate is presented from a licensed
11 veterinarian that the dog has been spayed or neutered.

12 (b) A city or county subject to this chapter that issues a dog
13 license tag for a puppy, as defined in subdivision-~~(f)~~ (e) of Section
14 30505, shall issue that dog license tag pursuant to Section 30505.

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

17 30801. (a) A board of supervisors may provide for the issuance
18 of serially numbered metallic dog licenses pursuant to this section.
19 The dog licenses shall be stamped with the name of the county
20 and the year of issue.

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

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

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

36 (e) A license that is issued for a puppy, as described in
37 subdivision-~~(f)~~ (e) of Section 30505, shall be subject to Section
38 30505 or subdivision (b) of Section 30525.

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

1 30804.5. Whenever dog license tags are issued pursuant to this
2 division, that tag shall be issued for one-half or less of the fee
3 required for a dog under either of the following circumstances:

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

10 (b) The tag is issued pursuant to subdivision (d) of Section
11 30505.

12 SEC. 7. Section 38792 of the Government Code is amended
13 to read:

14 38792. (a) The legislative body of a city may impose and
15 collect a license fee for a period not to exceed two years and not
16 exceeding the cost of services relating to dogs, including, but not
17 limited to, animal shelters and control and the programs specified
18 in Section 30652 of the Food and Agricultural Code, provided by
19 the city, on every dog owned or harbored within the city limits.
20 The license fee for spayed bitches and neutered males, and for
21 licenses issued pursuant to subdivision (d) of Section 30505, shall
22 not exceed 50 percent of the license fee otherwise imposed.

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

36 SEC. 8. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution for certain
38 costs that may be incurred by a local agency or school district
39 because, in that regard, this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty for a crime

1 or infraction, within the meaning of Section 17556 of the
2 Government Code, or changes the definition of a crime within the
3 meaning of Section 6 of Article XIII B of the California
4 Constitution.

5 However, if the Commission on State Mandates determines that
6 this act contains other costs mandated by the state, reimbursement
7 to local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

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