

ASSEMBLY BILL

No. 1939

Introduced by Assembly Member Pan

February 22, 2012

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 1939, as introduced, 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. 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 local governmental 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 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 for the purposes of (1) providing notice to the person adopting or purchasing the dog regarding laws requiring the person to obtain a license for the dog and (2) providing notice to another local governmental entity responsible for licensing dogs in the jurisdiction in which the person resides that the person has adopted or purchased a dog, if the person does not reside in the jurisdiction of the local governmental entity that is providing the notice. A violation of these provisions would be 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 the above-described provisions from the provision which makes the violation a crime.

This bill would authorize a licensing agency to issue a puppy license to the owner of a puppy, as defined, which would expire when the puppy reaches one year of age, except as specified. The bill would require the owner of a puppy to obtain a dog license tag upon the expiration of the puppy license. Because a violation of this provision would be an infraction, the bill would create a new crime, thereby imposing a state-mandated local program. The bill would also make conforming changes.

Existing law authorizes a 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 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. It is the intent of the Legislature to encourage
- 2 anyone transferring ownership of a dog to advise the new owner

1 that all dogs four months of age or older must be licensed under
2 state law. It is further the intent of the Legislature to encourage all
3 veterinarians to advise their clients to license all of the clients'
4 dogs that are four months of age or older.

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

7 30503.5. (a) Each pet dealer, as defined in Section 122125 of
8 the Health and Safety Code, humane society, rescue group, society
9 for the prevention of cruelty to animals, or any entity described in
10 subdivision (b) of Section 122045 of the Health and Safety Code
11 shall submit once a month, 30 days after the close of business for
12 the previous month, a report to the local governmental entity, if
13 any, that is responsible for licensing dogs in the city or county in
14 which the pet dealer, humane society, rescue group, society for
15 the prevention of cruelty to animals, or any entity described in
16 subdivision (b) of Section 122045 of the Health and Safety Code
17 is located. The report shall include the name, address, and
18 telephone number of the person who receives the dog that was
19 adopted or sold in the previous month by that entity submitting
20 the report. The report shall also include the breed of the dog, age
21 of the dog, and reproductive status of the dog. A report shall not
22 be required in any month in which a dog was not adopted or sold.
23 The reporting entity shall retain copies of the report for 12 months.
24 The information contained in the report shall not be used,
25 distributed, or released for any purpose except as described in
26 subdivision (b) and to ensure compliance with existing state and
27 local law, including applicable licensing requirements and
28 regulations. A violation of this subdivision is punishable by a civil
29 fine, as determined by the local jurisdiction. The fine shall not
30 exceed fifty dollars (\$50) for the first offense and one hundred
31 dollars (\$100) for each subsequent offense. A violation of this
32 section is not subject to Section 31401.

33 (b) A local governmental entity may exercise the authority set
34 forth in this section only for the purpose of (1) providing notice
35 to a person who receives a dog that was adopted or sold as
36 described in subdivision (a) regarding laws requiring the person
37 to obtain a license for the dog and (2) notifying a different local
38 governmental entity, which is responsible for licensing dogs in the
39 jurisdiction in which the person resides, that the person has adopted
40 or purchased a dog, if that person does not reside within the

1 jurisdiction of the local governmental entity that is providing the
2 notice.

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

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

12 30505. (a) Whenever a dog license tag is issued pursuant to
13 this division, the tag shall be issued for one-half or less of the fee
14 required for a dog, if a certificate is presented from a licensed
15 veterinarian that the dog has been spayed or neutered.

16 (b) A licensing entity may issue a puppy license pursuant to this
17 division. A dog license tag issued for a puppy shall be known as
18 a puppy license. Except as described in subdivision (d), a puppy
19 license shall expire when the puppy reaches one year of age. Upon
20 the expiration of a puppy license, if the puppy has been spayed or
21 neutered, the owner of the puppy shall obtain a dog license tag
22 and the fee for that dog license tag shall be the same fee that is
23 authorized pursuant to subdivision (a) and Section 30804 for a dog
24 that has been spayed or neutered. If the puppy has not been spayed
25 or neutered, the owner of the puppy shall obtain a dog license tag
26 and the fee for that dog license tag shall be subject to the regular
27 fee for a dog that has not been spayed 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 puppy
30 regardless of whether the puppy has had an antirabies vaccination.

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

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

38 (2) If the owner of a puppy described in subparagraph (A) of
39 paragraph (1) provides the issuing agency with satisfactory
40 evidence that the puppy has received an antirabies vaccination,

1 the puppy license shall expire when the puppy reaches one year
2 of age.

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

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

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

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

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

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

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

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

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

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

38 (e) *A license that is issued for a puppy, as described in Section*
39 *30505, shall be subject to Section 30505 or subdivision (b) of*
40 *Section 30525.*

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

30804.5. Whenever dog license tags are issued pursuant to this division, ~~any such that tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.~~ under either of the following circumstances:

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

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

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

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

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

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

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