

AMENDED IN ASSEMBLY APRIL 16, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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 Section 30505 to, and to add and repeal Section 30503.5, of 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 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. A violation of provisions governing the regulation and licensing of dogs is an infraction or a misdemeanor, except as specified.

This bill, *until January 1, 2018, and in the Counties of Los Angeles, Orange, Sacramento, San Diego, and Santa Clara*, 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. *The bill would authorize other counties not described above to enact local ordinances implementing a program consistent with these provisions.*

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
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 their clients to license all of the clients'
6 dogs that are 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 local governmental entity, if
15 any, that is responsible for licensing dogs in the city or county in
16 which the pet dealer, humane society, rescue group, society for
17 the 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, and reproductive status of the dog. A report shall not
24 be required in any month in which a dog was not adopted or sold.
25 The reporting entity shall retain copies of the report for 12 months.
26 The information contained in the report shall not be used,
27 distributed, or released for any purpose except as described in
28 subdivision (b) and to ensure compliance with existing state and
29 local law, including applicable licensing requirements and
30 regulations. A violation of this subdivision is punishable by a civil
31 fine, as determined by the local jurisdiction. The fine shall not
32 exceed fifty dollars (\$50) for the first offense and one hundred
33 dollars (\$100) for each subsequent offense. A violation of this
34 section is not subject to Section 31401.

35 (b) A local governmental entity may exercise the authority set
36 forth in this section only for the purpose of (1) providing notice
37 to a person who receives a dog that was adopted or sold as
38 described in subdivision (a) regarding laws requiring the person

1 to obtain a license for the dog and (2) notifying a different local
2 governmental entity, which is responsible for licensing dogs in the
3 jurisdiction in which the person resides, that the person has adopted
4 or purchased a dog, if that person does not reside within the
5 jurisdiction of the local governmental entity that is providing the
6 notice.

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

14 (d) *This section shall apply only in the Counties of Los Angeles,*
15 *Orange, Sacramento, San Diego, and Santa Clara. Any other*
16 *County may enact a local ordinance implementing a program*
17 *consistent with this section.*

18 (e) *This section shall remain in effect only until January 1, 2018,*
19 *and as of that date is repealed, unless a later enacted statute, that*
20 *is enacted before January 1, 2018, deletes or extends that date.*

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

23 30505. (a) Whenever a dog license tag is issued pursuant to
24 this division, the tag shall be issued for one-half or less of the fee
25 required for a dog, if a certificate is presented from a licensed
26 veterinarian that the dog has been spayed or neutered.

27 (b) A licensing entity may issue a puppy license pursuant to this
28 division. A dog license tag issued for a puppy shall be known as
29 a puppy license. Except as described in subdivision (d), a puppy
30 license shall expire when the puppy reaches one year of age. Upon
31 the expiration of a puppy license, if the puppy has been spayed or
32 neutered, the owner of the puppy shall obtain a dog license tag
33 and the fee for that dog license tag shall be the same fee that is
34 authorized pursuant to subdivision (a) and Section 30804 for a dog
35 that has been spayed or neutered. If the puppy has not been spayed
36 or neutered, the owner of the puppy shall obtain a dog license tag
37 and the fee for that dog license tag shall be subject to the regular
38 fee for a dog that has not been spayed or neutered.

1 (c) Notwithstanding any other law or local ordinance, a puppy
2 license shall, upon application of the owner, be issued for a puppy
3 regardless of whether the puppy has had an antirabies vaccination.

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

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

11 (2) If the owner of a puppy described in subparagraph (A) of
12 paragraph (1) provides the issuing agency with satisfactory
13 evidence that the puppy has received an antirabies vaccination,
14 the puppy license shall expire when the puppy reaches one year
15 of age.

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

19 (e) For purposes of this section, “puppy” means any dog under
20 12 months of age.

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

23 30525. (a) Whenever a dog license tag is issued pursuant to
24 this division, the tag shall be issued for one-half or less of the fee
25 required for a dog, if a certificate is presented from a licensed
26 veterinarian that the dog has been spayed or neutered.

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

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

32 30801. (a) A board of supervisors may provide for the issuance
33 of serially numbered metallic dog licenses pursuant to this section.
34 The dog licenses shall be stamped with the name of the county
35 and the year of issue.

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

39 (c) The licenses shall be issued for a period not to exceed two
40 years.

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

(e) A license that is issued for a puppy, as described in Section 30505, shall be subject to Section 30505 or subdivision (b) of 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, that tag shall be issued for one-half or less of the fee required for a dog 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, animal control, and the 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

1 described in subdivision (a), for a period not to exceed three years
2 for dogs that have attained the age of 12 months or older and have
3 been vaccinated. The person from whom the license fee is collected
4 pursuant to this subdivision may choose a license period as
5 established by the legislative body of up to one, two, or three years.
6 However, when imposing and collecting a license fee pursuant to
7 this subdivision, the license period shall not extend beyond the
8 remaining period of validity for the current rabies vaccination. The
9 license fee for spayed bitches and neutered males, under this
10 subdivision, shall not exceed 50 percent of the license fee otherwise
11 imposed.

12 SEC. 8. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.