

AMENDED IN ASSEMBLY MAY 27, 2011

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: 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 *authorize a local governmental entity to require each* a 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~~ *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. ~~A violation of these provisions would be punishable by a civil fine of \$50 for the first offense and \$100 for each subsequent offense. 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, which is 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. 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, 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, 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~~-no.
State-mandated local program: ~~yes~~-no.

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

1 ~~subsequent offense.~~ A violation of this section is not subject to
2 Section 31401.

3 *(b) A local governmental entity may exercise the authority set*
4 *forth in this section only for the purpose of (1) providing notice*
5 *to a person who receives a dog that was adopted or sold as*
6 *described in subdivision (a) regarding laws requiring the person*
7 *to obtain a license for the dog and (2) notifying a different local*
8 *governmental entity, which is responsible for licensing dogs in the*
9 *jurisdiction in which the person resides, that the person has*
10 *adopted or purchased a dog, if that person does not reside within*
11 *the jurisdiction of the local governmental entity that is providing*
12 *the notice.*

13 ~~(b)~~

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

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 microchipped puppy shall
29 be known as a puppy license. Except as described in subdivision
30 (d), a puppy license shall expire when the puppy reaches one year
31 of age. Upon the expiration of a puppy license, the owner of the
32 puppy shall obtain a dog license tag and the fee for that dog license
33 tag shall be the same fee that is authorized pursuant to subdivision
34 (a) and Section 30804 for a dog that has been spayed or neutered.

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

39 (d) (1) (A) Notwithstanding subdivision (b), a puppy license
40 shall expire when the puppy reaches five months of age if the

1 owner has not provided acceptable proof, on or before that date,
2 to the entity that issued the license that the puppy has received an
3 antirabies vaccination.

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

6 (2) If the owner of a puppy described in subparagraph (A) of
7 paragraph (1) provides the issuing agency with satisfactory
8 evidence that the puppy has received an antirabies vaccination,
9 the puppy license shall expire when the puppy reaches one year
10 of age.

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

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

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

18 30525. (a) Whenever a dog license tag is issued pursuant to
19 this division, the tag shall be issued for one-half or less of the fee
20 required for a dog, if a certificate is presented from a licensed
21 veterinarian that the dog has been spayed or neutered.

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

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

27 30801. (a) A board of supervisors may provide for the issuance
28 of serially numbered metallic dog licenses pursuant to this section.
29 The dog licenses shall be stamped with the name of the county
30 and the year of issue.

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

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

36 (d) In addition to the authority provided in subdivisions (a), (b),
37 and (c), a license may be issued, as provided by this section, by a
38 board of supervisors for a period not to exceed three years for dogs
39 that have attained the age of 12 months, ~~or older, and who~~ *or older*
40 *and that* have been vaccinated against rabies. The person to whom

1 the license is to be issued pursuant to this subdivision may choose
2 a license period as established by the board of supervisors of up
3 to one, two, or three years. However, when issuing a license
4 pursuant to this subdivision, the license period shall not extend
5 beyond the remaining period of validity for the current rabies
6 vaccination.

7 (e) A license that is issued for a puppy, as described in Section
8 30505, shall be subject to Section 30505 or subdivision (b) of
9 Section 30525.

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

12 30804.5. Whenever dog license tags are issued pursuant to this
13 division, that tag shall be issued for one-half or less of the fee
14 required for a dog under either of the following circumstances:

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

21 (b) The tag is issued pursuant to subdivision (d) of Section
22 30505.

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

25 38792. (a) The legislative body of a city may impose and
26 collect a license fee for a period not to exceed two years and not
27 exceeding the cost of services relating to dogs, including, but not
28 limited to, animal shelters ~~and control~~, *animal control*, and the
29 programs specified in Section 30652 of the Food and Agricultural
30 Code, provided by the city, on every dog owned or harbored within
31 the city limits. The license fee for spayed bitches and neutered
32 males, and for licenses issued pursuant to subdivision (d) of Section
33 30505, shall not exceed 50 percent of the license fee otherwise
34 imposed.

35 (b) In addition to the authority provided in subdivision (a), the
36 legislative body of a city may impose and collect a license fee, as
37 described in subdivision (a), for a period not to exceed three years
38 for dogs that have attained the age of 12 months or older and have
39 been vaccinated. The person from whom the license fee is collected
40 pursuant to this subdivision may choose a license period as

1 established by the legislative body of up to one, two, or three years.
2 However, when imposing and collecting a license fee pursuant to
3 this subdivision, the license period shall not extend beyond the
4 remaining period of validity for the current rabies vaccination. The
5 license fee for spayed bitches and neutered males, under this
6 subdivision, shall not exceed 50 percent of the license fee otherwise
7 imposed.

8 ~~SEC. 8. If the Commission on State Mandates determines that~~
9 ~~this act contains costs mandated by the state, reimbursement to~~
10 ~~local agencies and school districts for those costs shall be made~~
11 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
12 ~~4 of Title 2 of the Government Code.~~