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HOUSE BILL NO. 339

Offered January 11, 2006

Prefiled January 5, 2006

A BILL to amend and reenact §§ 3.1-796.86 through 3.1-796.90, 3.1-796.97, and 3.1-796.101 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 3.1-796.87:1 and 3.1-796.92:1, relating to selling of animal licenses, veterinarian participation.

Patron—Orrock

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.86 through 3.1-796.90, 3.1-796.97, and 3.1-796.101 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 3.1-796.87:1 and 3.1-796.92:1 as follows:

§ 3.1-796.86. How to obtain license.

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.1-796.85, by making oral or written application to the treasurer of the county or city in which such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether dog or cat, whether male, unsexed female, female or kennel, and deliver the metal license tags or plates provided for herein. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. Any person owning a dog four months old or older or owning a cat in a locality where an ordinance has been adopted pursuant to subsection B of § 3.1-796.85 shall obtain a license for that animal from a licensed veterinarian at the time of receiving its rabies vaccination. The veterinarian shall collect the license fee and issue a license receipt.

If the dog or cat was vaccinated outside of the Commonwealth or prior to the effective date of this provision, or the owner holds a kennel license, the dog or cat owner shall obtain the license from the treasurer or other agent in the county or city of the owner's residence. The treasurer, or other agent charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article, the treasurer or other agent charged with the duty of issuing dog and cat licenses shall issue a license receipt and a metal tag.

The license receipt shall include, at a minimum, the issue date of the license, the name and address of the owner or custodian, the date of payment, the amount paid, the license expiration date, the animal owner's name and address, including county or city, the telephone number for the owner, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and the expiration date. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

§ 3.1-796.87. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any county, city or town which has adopted an ordinance pursuant to subsection B of § 3.1-796.85 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than one dollar and not more than ten dollars for each year be \$10 for each 12-month period. If the dog or cat has been spayed or neutered, the tax shall not exceed the tax provided for a male dog or cat be \$5 for a 12-month period. Any ordinance may provide for a license tax for kennels of ten, twenty, thirty, forty or fifty dogs or cats not to exceed fifty dollars for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind

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59 person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is
60 trained and serves as a service dog for a mobility-impaired person.

61 As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of
62 danger and sounds to which the owner should respond and "service dog" means a dog trained to
63 accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other
64 such activities of service or support.

65 § 3.1-796.87:1. Requirement for veterinarians to sell licenses.

66 A. Each veterinarian who vaccinates a dog or cat against rabies, or each veterinarian who directs a
67 veterinary technician in his employ to vaccinate a dog or cat against rabies, shall provide the owner
68 with the animal license receipt, at the rate specified in § 3.1-796.87. This provision shall not apply to
69 persons who have purchased a kennel license for the current calendar year, as provided by
70 § 3.1-796.88.

71 The veterinarian shall forward, on a quarterly basis, by the 15th of the month preceding the end of
72 each quarter (i) a copy of the animal license receipt and (ii) the license fee collected by the veterinarian
73 to the Office of the Treasurer for the locality of the dog or cat owner's residence.

74 B. The Treasurer shall record the information transmitted by the veterinarian and shall maintain
75 these records for licensed animals.

76 C. The Treasurer shall mail the license tag to the dog or cat owner, unless it has been provided by
77 the veterinarian.

78 D. The animal license receipt shall include all of the information as provided by § 3.1-796.86.

79 E. The treasurer of any city or county shall pay the veterinarian \$2 per license or such lesser
80 amount as agreed to for the administrative cost in processing the licensing transactions.

81 The following organizations shall assist in determining the administrative procedure for transmitting
82 the information and funds from the veterinarians to the treasurers: The Virginia Treasurers Association,
83 The Virginia Veterinary Medical Association, The Virginia Animal Control Association, The Virginia
84 Association of Counties, and The Virginia Municipal League.

85 The provisions of this language shall be applicable at such time as is agreeable with the treasurer of
86 each county or city and the veterinarians in that county or city but no later than January 1, 2008.

87 § 3.1-796.88. When license tax payable.

88 A. On January 1 and not later than January 31 of each year, the owner of any dog or cat four
89 months old or older shall pay a license tax as prescribed in ~~§ 3.1-796.87~~ The license tax as prescribed in
90 § 3.1-796.87 is due not later than 30 days after a dog or cat has reached the age of four months, or not
91 later than 30 days after an owner acquires a dog or cat four months of age or older.

92 B. If a dog or cat becomes four months of age or comes into the possession of any person between
93 January 1 and November 1 of any year, the license tax for the current calendar year shall be paid by the
94 owner. Licensing periods for individual dogs and cats shall be equal to and shall run concurrently with
95 the rabies vaccination effective period. Any kennel license tax prescribed pursuant to § 3.1-796.87 shall
96 be due on January 1 and not later than January 31 of each year.

97 C. If a dog or cat becomes four months of age or comes into the possession of any person between
98 October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid
99 by the owner and this license shall be valid from the date the license is purchased.

100 D. Notwithstanding subsections A, B and C above, the governing body of each county or city which
101 requires dogs or cats to have a rabies inoculation prior to the issuance of a license may designate when
102 the tax is payable and allow the tax to be payable for up to a three-year period thereafter, as long as
103 this period does not exceed the period that the rabies inoculation is effective as certified by a
104 veterinarian.

105 § 3.1-796.89. Effect of dog or cat not wearing collar as evidence.

106 Any dog or cat not wearing a collar bearing a valid license tag of the proper calendar year shall
107 prima facie be deemed to be unlicensed, and in any proceedings under this chapter the burden of proof
108 of the fact that such dog or cat has been licensed, or is otherwise not required to bear a tag at the time,
109 shall be on the owner of the dog or cat.

110 § 3.1-796.90. What dog or cat license shall consist of.

111 A dog or cat license shall consist of a license receipt and a metal tag. The tag shall be stamped or
112 otherwise permanently marked to show the jurisdiction issuing the license and the calendar year for
113 which issued and bear a serial number. The tag may be stamped or otherwise marked to show the sex of
114 the dog or cat.

115 § 3.1-796.92:1. Impounding of unlicensed dogs and cats.

116 The owner of any dog or cat confined in a pound pursuant to § 3.1-796.96 without a current license
117 may be subject to an increase in the impound fee of \$5 per day and the owner may be required to spay
118 or neuter the dog or cat.

119 Any revenue from such additional fee shall be used by the locality to subsidize the spaying and
120 neutering of dogs and cats.

121 § 3.1-796.97. Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license;
122 rabies clinics.

123 No license tag shall be issued for any dog or cat unless there is presented, to the treasurer or other
124 officer of the county or city, *or other agent* charged by law with the duty of issuing license tags for
125 dogs and cats at the time application for license is made, evidence satisfactory to him showing that such
126 dog or cat has been inoculated or vaccinated against rabies by a currently licensed veterinarian or
127 currently licensed veterinary technician who was under the immediate and direct supervision of a
128 licensed veterinarian on the premises.

129 Rabies clinics, approved by the appropriate health department and governing body, shall be held at
130 least once per year in each county in which the governing body finds that the number of resident
131 veterinarians is otherwise inadequate to meet the need.

132 § 3.1-796.101. Disposition of funds.

133 ~~Unless otherwise provided by ordinance of the local governing body, the~~ The treasurer of each
134 locality shall keep all moneys collected by him for dog and cat license taxes in a separate account from
135 all other funds collected by him. The locality shall use the funds for the following purposes:

- 136 1. The salary and expenses of the animal control officer and necessary staff;
- 137 2. The care and maintenance of a pound;
- 138 3. The maintenance of a rabies control program;
- 139 4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of
140 the license tax as provided by ordinance;
- 141 5. Payments for compensation as provided in § 3.1-796.118; and
- 142 6. Efforts to promote sterilization of dogs and cats.

143 Any part or all of any surplus remaining in such account on December 31 of any year may be
144 transferred by the governing body of such locality into the general fund of such locality.