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## HOUSE BILL NO. 339

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture Chesapeake and Natural Resources)

(Patron Prior to Substitute—Delegate Orrock)

House Amendments in [ ] - February 6, 2006

A BILL to amend and reenact §§ 3.1-796.86 through 3.1-796.90, and 3.1-796.97 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; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.86 through 3.1-796.90, and 3.1-796.97 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 or female, whether spayed or neutered, ~~unsexed female, female~~ or whether a 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. 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. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. 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 person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person.

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

§ 3.1-796.87:1. Veterinarians to provide treasurer with rabies certificate information; civil penalty.

Each veterinarian who vaccinates a dog [ ~~or cat~~ ] against rabies, or each veterinarian who directs a veterinary technician in his employ to vaccinate a dog [ ~~or cat~~ ] against rabies, shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within 45 days a copy of the rabies vaccination certificate in a format mutually agreeable to the Office of the Treasurer for the locality in which the vaccination occurred.

The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, the secondary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality in which the animal resides.

Upon receipt of the rabies vaccination certificate in the agreed-upon format from the veterinarian, the treasurer shall remit to the animal's owner an application and bill for a dog [ ~~or cat~~ ] license. Upon receipt of the completed application and payment of the license fee, the treasurer or other agent

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60 charged with the duty of issuing the dog and cat licenses shall issue a license receipt and a metal tag.

61 Any rabies vaccination certificate received by the treasurer for an animal owned by an individual  
62 residing in another locality shall remit the rabies vaccination certificate to the local treasurer for the  
63 appropriate locality.

64 Any veterinarian that willfully fails to provide the treasurer of any locality with a copy of the rabies  
65 vaccination certificate may be subject to a civil penalty not to exceed \$10 per certificate.

66 This section shall become effective January 1, 2007.

67 § 3.1-796.88. When license tax payable.

68 A. On January 1 and not later than January 31 of each year, the owner of any dog or cat four  
69 months old or older shall pay a license tax as prescribed in § 3.1-796.87. The license tax as prescribed in  
70 § 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  
71 later than 30 days after an owner acquires a dog or cat four months of age or older.

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

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

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

85 § 3.1-796.89. Effect of dog or cat not wearing collar as evidence.

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

90 § 3.1-796.90. What dog or cat license shall consist of.

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

95 § 3.1-796.92:1. Impounding of unlicensed dogs [ and cats ].

96 The owner of any dog [ or cat ] confined in a pound pursuant to § 3.1-796.96 who can not provide  
97 evidence of a current license may be subject to an increase in the impound fee of \$5 per day, or if the  
98 owner does not pay the fee then the owner may be required to spay or neuter the dog [ or cat ].

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

101 § 3.1-796.97. Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license;  
102 rabies clinics.

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

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