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## HOUSE BILL NO. 339

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources  
on February 20, 2006)

(Patron Prior to Substitute— Delegate Orrock)

*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 a section numbered 3.1-796.87:1, 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 a section numbered 3.1-796.87:1 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 *or satisfactory evidence that such certificate has been obtained*. 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 *or satisfactory evidence that such certificate has been obtained*, 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 against rabies or directs a veterinary technician in his employ to vaccinate a dog 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 or the information contained in such certificate, to the treasurer of the locality in which the vaccination occurs.*

*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.*

*It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. If the treasurer determines, from review of the rabies*

vaccination information provided by veterinarians, that the owner of an unlicensed dog has failed to apply for a license within 90 days of the date of vaccination, the treasurer shall transmit an application to the owner and request the owner to submit a completed application and pay the appropriate fee. Upon receipt of the completed application and payment of the license fee, the treasurer or other agent charged with the duty of issuing the dog licenses shall issue a license receipt and a permanent tag.

The treasurer shall remit any rabies vaccination certificate received for any animal owned by an individual residing in another locality to the local treasurer for the appropriate locality.

Any veterinarian that willfully fails to provide the treasurer of any locality with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed \$10 per certificate. Monies raised pursuant to this subsection shall be placed in the locality's general fund for the purpose of animal control activities including but not limited to spay or neuter programs.

This section shall become effective January 1, 2007.

§ 3.1-796.88. When license tax payable.

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

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

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

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

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

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

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

A dog or cat license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license and the calendar year for which issued and bear a serial number or other identifying information prescribed by the locality. The tag may be stamped or otherwise marked to show the sex of the dog or cat.

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

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

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

**2. That the provisions of this act shall become effective on January 1, 2007.**

**3. That the Treasurers' Association of Virginia and the Virginia Veterinary Medicine Association, in consultation with the Virginia Municipal League and the Virginia Association of Counties, are requested to develop and distribute to their members, no later than October 1, 2006, uniform application forms and materials for implementing the provisions of the act.**