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SENATE BILL NO. 742

Senate Amendments in [] - January 31, 2020

A BILL to amend the Code of Virginia by adding a section numbered 3.2-6513.2, relating to rental or leasing of dog or cat prohibited; civil penalty.

Patron Prior to Engrossment—Senator McPike

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 3.2-6513.2 as follows:****§ 3.2-6513.2. Rental or lease of dog or cat prohibited; civil penalty.**

A. As used in this section, "covered person" means any pet shop, commercial dog breeder, pet dealer, firm, or other pet selling business.

B. The rental or leasing of a dog or cat to a Virginia consumer, including by a purported sale of the animal in such a manner as to vest [~~no~~] [less than full] equity in the consumer at the time of the purported sale, is prohibited.

C. No covered person shall offer in Virginia an agreement for the transfer [or sale] of a dog or cat to the consumer in which the animal is subject to repossession in any manner upon default of the agreement by the consumer.

D. No financial institution, as defined in § 6.2-100, shall offer in Virginia a loan or financing agreement for the rental, lease, or sale of a dog or cat where the animal is subject to repossession upon default under the terms of the financing agreement.

E. The Attorney General may bring a civil action in the appropriate circuit court for injunctive relief to enforce the provisions of this section. Any person who violates any provision of this section may, upon such finding by an appropriate circuit court, be subject to a civil penalty of not more than \$2,500 [~~in both individual and class actions~~] as well as any court costs and attorney fees. Such civil penalties shall be paid into the general fund of the state treasury. In addition, any covered person that violates any provision of this section may have its business license, retail license, or local pet shop permit issued pursuant to § 3.2-6537 suspended or revoked after a hearing by the issuing authority.

F. The provisions of this section shall not apply to the temporary rental or lease of any of the following animals, so long as the animal is used in accordance with applicable federal, state, and local animal protection laws:

1. A purebred dog that is rented for the express purpose of breeding pursuant to a written lease that sets out a specific time period, contains a firm end date, and is recorded with a national purebred dog registry;

2. A dog or cat that is used in spectator events, shows, exhibitions, motion pictures, or other entertainment, including animal exhibitions, racing events, field trials, polo matches, rodeo events, or any audiovisual media; or

3. A service dog as defined in § 51.5-40.1, guide or leader dog as defined in § 3.2-6588, security dog, police or law-enforcement dog, military working dog, or certified facility dog as defined in § 18.2-67.9:1.

2. That the provisions of this act shall become effective on January 1, 2021.

ENGROSSED

SB742E