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SENATE BILL NO. 228

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 23, 2014)

(Patron Prior to Substitute—Senator Petersen)

A BILL to amend and reenact §§ 3.2-6512, 3.2-6514, and 3.2-6515 of the Code of Virginia, relating to the sale of companion animals.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6512, 3.2-6514, and 3.2-6515 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6512. Sale without pet dealer's animal history certificate violation of Consumer Protection Act; contents of certificate.

It shall be a violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.) for any pet dealer to sell a dog or cat within the Commonwealth stating, promising or representing that the animal is registered or capable of being registered with any animal pedigree registry organization, without providing the consumer with a pet dealer's animal history certificate at the time the consumer takes possession of the dog or cat. The pet dealer's animal history certificate shall be signed by the pet dealer, his agent or employee, and shall contain the following information:

1. The animal's breed, sex, age, color, and birth date;
2. The name and address of the person from whom the pet dealer purchased the animal;
3. The breeder's name and address;
4. The name and registration number of the animal's parents;
5. 4. If the animal has been so examined, the date on which the animal has been examined by a licensed veterinarian, the name and address of such veterinarian, and a brief statement of any findings made; and
6. 5. A statement of all vaccinations administered to the animal, including the identity and quantity of the vaccine, and the name and address of the person or licensed veterinarian administering or supervising the vaccinations.

The information contained in the pet dealer's animal history certificate required herein shall be informative only, and the pet dealer shall not be responsible in any manner for the accuracy of such information unless he knows or has reason to know that such information is erroneous.

A copy of the pet dealer's animal history certificate signed by the consumer shall be maintained by the pet dealer for a period of one year following the date of sale.

A pet dealer that is also a pet shop operating in the Commonwealth shall post in a conspicuous place on or near the cage of any dog or cat available for sale the breeder's name, city, state, and USDA license number. A pet dealer who advertises any dog or cat for sale in the Commonwealth, including by Internet advertisement, shall conspicuously display the breeder's name, city, state, and USDA license number, if applicable, on the advertisement or website.

§ 3.2-6514. Consumer remedies for receipt of diseased animal upon certification by veterinarian.

A. If, at any time within 10 days following receipt of an animal described as being registered or capable of being registered with any animal pedigree organization and subject to this chapter, a licensed veterinarian certifies such animal to be unfit for purchase due to illness, a congenital defect deleterious to the health of the animal, or the presence of symptoms of a contagious or infectious disease other than parvovirus, or if at any time within 14 days following the receipt of an animal a licensed veterinarian certifies such animal to be unfit for purchase due to the animal being infected with parvovirus, the pet dealer shall afford the consumer the right to choose one of the following options:

1. The right to return the animal or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification and receive a refund of the purchase price including sales tax; or, plus the cost of the veterinary certification;

2. The right to return the animal or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer, plus the cost of the veterinary certification; or

3. The right to retain the animal and to receive the reimbursement of veterinary fees in an amount up to the purchase price of the animal, including sales tax and the cost of the veterinary certification, incurred up to the time the consumer notifies the pet dealer of the intent to keep the animal. Such notification shall occur within three business days of certification. Veterinary costs incurred by the consumer after such notification shall be the responsibility of the consumer.

B. The refund or reimbursement required by this section subsection A shall be made by the pet

60 dealer not later than 10 business days following receipt of a signed veterinary certification as provided
61 in § 3.2-6515.

62 **§ 3.2-6515. Written notice of consumer remedies required to be supplied by pet dealers.**

63 A pet dealer shall give the notice hereinafter set forth in writing to a consumer prior to the delivery
64 of a dog or cat. Such notice shall be embodied in a written contract, the pet dealer's animal history
65 certificate, or a separate document and shall state in ten-point boldface type the following:

66 "NOTICE

67 The sale of ~~certain dogs and cats described as being registered or capable of being registered with~~
68 ~~any animal pedigree organization~~ is subject to the provisions of the Virginia Consumer Protection Act
69 (§ 59.1-196 et seq.). In the event that a licensed veterinarian certifies your animal to be unfit for
70 purchase within 10 days following receipt of your animal, you may choose: (i) to return your animal, *or*
71 *in the case of an animal that has died, the veterinary certification*, and receive a refund of the purchase
72 price *including sales tax and the cost of veterinary certification*; ~~or~~ (ii) to ~~return the animal and~~ receive
73 an exchange animal of your choice of equivalent value, *plus the cost of the veterinary certification*; *or*
74 *(iii) to retain the animal and receive reimbursement of the cost of veterinary certification and veterinary*
75 *fees in an amount up to the purchase price of the animal.*

76 In order to exercise these rights you must present a written veterinary certification that the animal is
77 unfit to the pet dealer within three business days after receiving such certification.

78 If the pet dealer has promised to register your animal or to provide the papers necessary therefor and
79 fails to do so within 120 days following the date of contract, you are entitled to return the animal and
80 receive a refund of the purchase price or to retain the animal and receive a refund of an amount not to
81 exceed 50 percent of the purchase price."