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HOUSE BILL NO. 1406

Offered January 11, 2023

Prefiled December 5, 2022

A BILL to amend and reenact §§ 3.2-6527, 3.2-6537, 3.2-6538, 3.2-6587, and 18.2-403.3 of the Code of Virginia and to repeal §§ 3.2-6528, 3.2-6530, 3.2-6534, 3.2-6535, and 3.2-6536 of the Code of Virginia, relating to license tax; ownership of dogs and cats.

Patrons—Anderson, Adams, D.M., Clark, Delaney, Edmunds, Maldonado, March, Rasoul, Roem, Subramanyam, Tata, Walker, Willett and Williams

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6527, 3.2-6537, 3.2-6538, 3.2-6587, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6527. How to obtain license.

A. Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the ~~treasurer~~ *designated official* of the locality where such person resides, accompanied by ~~the amount of license tax and a current~~ certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The ~~treasurer or other officer~~ *designated official* 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~~ *designated official* 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 years for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for in § 3.2-6526. The information thus received shall be retained by the ~~treasurer~~ *designated official*, open to public inspection, during the period for which such license is valid. The ~~treasurer~~ *designated official* 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.

B. *The governing body of a county or city may by ordinance provide for a lifetime dog license or cat license. Such a license shall be valid only as long as the owner or custodian of the licensed dog or cat resides in the issuing locality and the rabies vaccination for the licensed dog or cat is kept current.*

C. *No fee shall be charged for the issuance of a license as provided in this section or § 3.2-6524.*

§ 3.2-6537. Ordinances; penalties.

The governing body of any locality may, by ordinance, require a person operating a pet shop or operating as a dealer in companion animals to obtain a permit. Such local governing body may charge no more than \$50 per year for such permit. The revenues derived therefrom shall be used for the administration and enforcement of such ordinance.

The aforementioned ordinance may provide: (i) that records be kept by the permittees as are deemed necessary; (ii) for public hearing prior to issuance, renewal or revocation of any such permit; or (iii) for the denial of issuance, denial of renewal or for the revocation of such permit for fraudulent practices or inhumane treatment of the animals dealt with by the permittee.

The ordinance may provide for either a criminal penalty not to exceed a Class 3 misdemeanor or a civil penalty not to exceed \$500 for any violation of the ordinance. Any civil penalties collected shall be deposited by the local treasurer pursuant to ~~§ 3.2-6534~~ *into the general fund of such locality.*

§ 3.2-6538. Governing body of any locality may prohibit dogs from running at large; civil penalty.

Any locality may by ordinance prohibit the running at large of all or any category of dogs, except dogs used for hunting, in all or any designated portion of such locality during such months as it may designate. Any such locality may also require that dogs be confined, restricted, or penned up during such periods. For the purpose of this section, a dog shall be deemed to run at large while roaming or running off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large or remain unconfined, unrestricted, or not penned up shall be deemed to have violated an ordinance adopted pursuant to the provisions of this section. Such ordinance shall provide that the owner or custodian of any dog found running at large in a

58 pack shall be subject to a civil penalty in an amount established by the locality not to exceed \$100 per
59 dog so found. For the purpose of such ordinance, a dog shall be deemed to be running at large in a
60 pack if it is running at large in the company of one or more other dogs that are also running at large.
61 Any civil penalty collected pursuant to such ordinance shall be deposited by the treasurer of the locality
62 pursuant to the provisions of ~~§ 3.2-6534~~ into the general fund of such locality.

63 **§ 3.2-6587. Unlawful acts; penalties.**

64 A. The following shall be unlawful acts and are Class 4 misdemeanors:

65 1. For any person to make a false statement in order to secure a dog or cat license to which he is
66 not entitled.

67 2. ~~For any dog or cat owner to fail to pay any license tax required by this chapter before February 1~~
68 ~~for the year in which it is due. In addition, the court may order confiscation and the proper disposition~~
69 ~~of the dog or cat.~~

70 3. ~~2.~~ For any dog owner to allow a dog to run at large in violation of an ordinance passed pursuant
71 to § 3.2-6539.

72 4. ~~3.~~ Unless otherwise punishable under subsection B, for any person to fail to obey an ordinance
73 passed pursuant to §§ 3.2-6522 and 3.2-6525.

74 5. ~~4.~~ For any owner to fail to dispose of the body of his companion animals in accordance with
75 § 3.2-6554.

76 6. ~~5.~~ For the owner of any dog or cat with a contagious or infectious disease, other than rabies, to
77 permit such dog or cat to stray from his premises if such disease is known to the owner.

78 7. ~~For any person to conceal or harbor any dog or cat on which any required license tax has not~~
79 ~~been paid.~~

80 8. ~~6.~~ For any person, except the owner or custodian, to remove a legally acquired license tag from a
81 dog or cat without the permission of the owner or custodian.

82 9. ~~7.~~ Any other violation of this chapter for which a specific penalty is not provided.

83 B. It is a Class 1 misdemeanor for any person to:

84 1. Present a false claim or to receive any money on a false claim under the provisions of § 3.2-6553.

85 2. Impersonate a humane investigator.

86 3. Permit a dog or cat that he owns or is in his custody to stray from his premises when he knows
87 or has been told by the local health department, law-enforcement agency, animal control agency, or any
88 other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is
89 suspected of having rabies.

90 **§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.**

91 The following unlawful acts and offenses against animals shall constitute and be punished as a Class
92 4 misdemeanor:

93 1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to
94 animals.

95 2. Violation of § 3.2-6573 pertaining to shooting pigeons.

96 3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.

97 4. Unless otherwise punishable under subsection B of § 3.2-6587, violation of ordinances passed
98 pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and
99 the running at large of vicious dogs.

100 5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.

101 6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field
102 trails, night trails and foxhounds.

103 7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease, other than
104 rabies, to permit such dog to stray from his premises if such disease is known to the owner.

105 8. License application. — For any person to make a false statement in order to secure a dog or cat
106 license to which he is not entitled.

107 9. ~~License tax.~~ — ~~For any dog or cat owner to fail to pay any license tax required by subsection A~~
108 ~~or C of § 3.2-6530 within one month after the date when it is due. In addition, the court may order~~
109 ~~confiscation and the proper disposition of the dog or cat.~~

110 10. ~~Concealing a dog or cat.~~ — ~~For any person to conceal or harbor any dog or cat on which any~~
111 ~~required license tax has not been paid.~~

112 11. ~~Removing collar and tag.~~ — For any person, except the owner or custodian, to remove a
113 legally acquired license tag from a dog or cat without the permission of the owner or custodian.

114 12. ~~10.~~ Violation of § 3.2-6503 pertaining to care of animals by owner.

115 2. That §§ 3.2-6528, 3.2-6530, 3.2-6534, 3.2-6535, and 3.2-6536 of the Code of Virginia are
116 repealed.