

STATE OF NEW YORK

5048

2013-2014 Regular Sessions

IN SENATE

May 7, 2013

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws
2 of 1894, relating to the better protection of lost and strayed animals
3 and for securing the rights of owners thereof, are REPEALED and four new
4 sections 1, 2, 3 and 4 are added to read as follows:

5 Section 1. The provisions of this act shall apply in the city of New
6 York.

7 § 2. (1) Every person who owns or harbors one or more dogs within the
8 corporate limits of such city, shall procure a license for each dog as
9 provided in this act. In applying for such license to be issued or
10 renewed, the applicant shall provide in writing the name, sex, breed,
11 age, color and markings of the dog for which the license is to be
12 procured or renewed and such information that the commissioner of health
13 and mental hygiene of such city deems necessary to notify the applicant
14 when the license is due to be renewed or to contact the applicant in the
15 event the dog is found after becoming lost or strayed. Such commissioner
16 may issue rules requiring proof of rabies vaccination, or an affirmation
17 that such vaccine has been administered, as part of the application for
18 such license to be issued or renewed.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (2) Licenses issued or renewed under this act shall be valid for a
2 term of one year or, pursuant to rules issued by such commissioner, for
3 a period greater than one year.

4 (3) The fees for a license issued or renewed under this act shall be
5 set by local law, subject to the provisions of this subdivision. There
6 shall be a base fee for a license to be issued or renewed for any dog.
7 There shall be an additional fee for a license to be issued or renewed
8 for a non-sterilized dog. The amount of such additional fee shall be at
9 least eighty-five percent of the amount of the base fee. Applicants
10 shall pay the additional fee unless their application is accompanied by:
11 (i) a statement signed by a licensed veterinarian providing that the dog
12 has been sterilized or that such veterinarian has examined the dog and
13 found that because of old age or other permanent medical condition, the
14 life of the dog would be endangered by sterilization, or (ii) a state-
15 ment, approved as to form by such commissioner and affirmed by the
16 applicant, that the dog has been sterilized.

17 (4) The amount collected for the additional fee charged for a license
18 to be issued or renewed for an unsterilized dog as provided in subdivi-
19 sion three of this section shall be forwarded to the city comptroller
20 for deposit in the animal population control fund created pursuant to
21 section 17-812 of the administrative code of the city of New York.

22 (5) When a license is issued or renewed for a term other than one
23 year, the fees shall be a prorated amount of the fees per year set as
24 provided in subdivision three of this section.

25 (6) Any person who fails to renew a license prior to its date of expi-
26 ration may be required to pay a late fee upon renewal of a license, with
27 the amount of such late fee set by local law. Such amount shall be no
28 more than twenty percent of the amount of the base fee for a license to
29 be issued or renewed as provided in subdivision three of this section.

30 (7) The application for a license to be issued or renewed shall be
31 accompanied by a statement as prescribed by such commissioner, notifying
32 the applicant that he or she may submit, along with the fees required by
33 this section, an additional amount to be utilized for the purpose of
34 funding low-cost sterilization services from the animal population
35 control fund created pursuant to section 17-812 of the administrative
36 code of the city of New York. Any additional amount submitted pursuant
37 to this subdivision shall be deposited in such fund.

38 (8) From the fees collected pursuant to this act for each dog license
39 issued or renewed, the sum of ten cents annually for the term of such
40 license shall be remitted by such city to the commissioner of agricul-
41 ture and markets on or before the fifteenth day of each month, with such
42 sum to be used to fund research into diseases of dogs and the search for
43 and the study of viruses that affect people and animals.

44 (9) The amount of any fee charged pursuant to this act shall not be
45 based in whole or part on the breed of the dog.

46 § 3. (1) Any person who is required to obtain or renew a dog license
47 pursuant to this act but fails to do so may be issued a notice of
48 violation, returnable to the environmental control board or health
49 tribunal of the office of administrative trials and hearings of the city
50 of New York, and may be subject to a civil penalty of not more than
51 seventy-five dollars for the first violation and no more than one
52 hundred dollars when such person was found to have violated this section
53 within the preceding five years. Such notice of violation may be issued
54 by any officer or agent of the department of health and mental hygiene
55 of such city, or any other agency or entity designated by the commis-
56 sioner of health and mental hygiene or such city, when such officer or

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1 agent observes the dog for which such license has not been obtained or
2 renewed.

3 (2) Notwithstanding subdivision one of this section, such notice of
4 violation may not be issued to a person when such person is in the
5 course of obtaining or renewing a license for the dog for which the
6 notice of violation would be issued. It shall be an affirmative defense
7 to any such violation that: (i) the person required to obtain or renew a
8 dog license duly applied for such license or renewal prior to the date
9 of the violation but the department of health and mental hygiene of such
10 city had not issued or renewed such license; or (ii) such person had
11 previously procured a license that was valid for a term that ended not
12 more than thirty days before such notice of violation was issued and
13 such person duly applied for renewal of such license subsequent to such
14 notice of violation being issued.

15 (3) Three quarters of any amount paid as a penalty for a violation
16 pursuant to this section shall be forwarded to the city comptroller for
17 deposit in the animal population control fund created pursuant to
18 section 17-812 of the administrative code of the city of New York, and
19 the remainder shall be used solely for carrying out the provisions of
20 this act, establishing, maintaining, or funding shelters for lost,
21 strayed, or homeless animals, providing or funding public education
22 regarding responsible animal care and dog licensing requirements, and
23 conducting other animal care and control activities.

24 § 4. (1) With each license issued or renewed under this act, the
25 department of health and mental hygiene of such city shall supply the
26 applicant with a certificate of license or renewal stating the name and
27 address of the owner of the dog and the number of such license or
28 renewal.

29 (2) Every dog licensed under this act shall, at all times, have a
30 collar about its neck with a tag made of metal or other durable material
31 attached thereto, bearing the number of the license. Such tag shall be
32 supplied to the owner by such department. Such department shall provide
33 notice with each such tag that anyone who shall use a license tag on a
34 dog for which it was not issued shall be deemed guilty of a misdemeanor
35 as provided in section nine of this act. Nothing in this act shall
36 prevent such department from issuing specialty tags which, for an addi-
37 tional cost set by local law, owners may purchase in lieu of the stand-
38 ard tags issued pursuant to this section. The commissioner of health
39 and mental hygiene of such city may issue rules requiring that dogs
40 licensed under this act shall have attached to such collar a tag indi-
41 cating that a rabies vaccination has been administered.

42 (3) Such department may issue replacements for tags that are lost and
43 may require reasonable proof of loss of the original and payment of a
44 sum, set by local law, equal to the cost of replacement.

45 (4) On or about the thirtieth day before the end of the term for which
46 a license issued or renewed under this act shall be valid, such depart-
47 ment shall notify the licensee by mail or other means, using the contact
48 information provided pursuant to subdivision one of section two of this
49 act, of the date by which renewal is required, the manner in which the
50 licensee may apply for renewal, the fees associated with on-time and
51 late renewal respectively, and the penalties to which the licensee may
52 be subject under section three of this act in the event he or she fails
53 to renew such license.

54 § 2. Section 8 of chapter 115 of the laws of 1894, relating to the
55 better protection of lost and strayed animals and for securing the
56 rights of owners thereof, is amended to read as follows:

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1 § 8. The ~~[American society for the prevention of cruelty to animals]~~
2 department of health and mental hygiene of such city is hereby empowered
3 and authorized to carry out the provisions of this act, and ~~[the said~~
4 ~~society]~~ such department is further authorized to issue and renew
5 licenses ~~[and renewals]~~, and to collect the fees ~~[for such,]~~ set forth
6 in this act or otherwise established as [is herein] prescribed[, which
7 ~~fees are to]~~ in this act. Such fees, excluding the additional fees
8 charged for licenses to be issued or renewed for unsterilized dogs
9 pursuant to subdivision three of section two of this act and the amounts
10 specified in subdivision eight of section two of this act, shall be used
11 [by said society towards defraying the] to defray such city's cost of
12 carrying out the provisions of this act ~~[and maintaining a shelter]~~,
13 establishing, maintaining, or funding shelters for lost, strayed or
14 homeless animals, and providing or funding public education regarding
15 responsible animal care and dog licensing requirements.

16 § 3. Sections 8-a and 8-c of chapter 115 of the laws of 1894, relating
17 to the better protection of lost and strayed animals and for securing
18 the rights of owners thereof, are REPEALED and section 8-b, as added by
19 chapter 152 of the laws of 1971, is renumbered 8-a and amended to read
20 as follows:

21 § 8-a. (1) No person holding a permit issued pursuant to section
22 161.09 of the New York city health code or a license issued pursuant to
23 article 26-A of the agriculture and markets law shall sell or transfer
24 ownership of a dog in such city without first requiring the purchaser or
25 other new owner to submit an application for a dog license and to pay
26 all required fees, unless such purchaser or other new owner shall
27 execute and submit to such seller or transferor a written statement that
28 the dog to be purchased or transferred is to be harbored outside ~~[the]~~
29 such city. Such applications and written statements shall be on forms
30 furnished by the ~~[society]~~ department of health and mental hygiene of
31 such city and shall, within ten days after execution by a purchaser or
32 other new owner, be forwarded by the seller or transferor to ~~[the soci-~~
33 ~~ty]~~ such department.

34 (2) Any seller or transferor processing an application pursuant to
35 subdivision one or three of this section shall, on or before the tenth
36 day of the month next succeeding the month in which collected, remit to
37 ~~[the society]~~ such department the amount of fees collected less ~~[one~~
38 ~~dollar]~~ ten percent of the base fees set pursuant to subdivision three
39 of section two of this act for each application processed.

40 (3) The commissioner of health and mental hygiene of such city may
41 designate any other person or entity, including but not limited to a
42 person or entity who provides care, treatment, services, or merchandise
43 for animals, to process applications for dog licenses, collect fees, and
44 remit the amount of fees collected less ten percent of such base fee in
45 accordance with this section and otherwise consistent with the
46 provisions of this act.

47 § 4. Section 9 of chapter 115 of the laws of 1894, relating to the
48 better protection of lost and strayed animals and for securing the
49 rights of owners thereof, as amended by section 32 of part T of chapter
50 59 of the laws of 2010, is amended to read as follows:

51 § 9. Any person or persons, who shall hinder or molest or interfere
52 with any officer or agent of ~~[said society]~~ the department of health and
53 mental hygiene of such city in the performance of any duty enjoined by
54 this act, or who shall use a license tag on a dog for which it was not
55 issued, shall be deemed guilty of a misdemeanor. ~~[Any person who owns or~~
56 ~~harbors a dog without complying with the provisions of this act shall be~~

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1 ~~deemed guilty of disorderly conduct, and upon conviction thereof before~~
2 ~~any magistrate shall be fined for such offense any sum not exceeding ten~~
3 ~~dollars, and in default of payment of such fine may be committed to~~
4 ~~prison by such magistrate until the same be paid, but such imprisonment~~
5 ~~shall not exceed ten days.]~~ Any person who for the purpose of partic-
6 ipating in the "animal population control program" shall falsify proof
7 of adoption from a pound, shelter, duly incorporated society for the
8 prevention of cruelty to animals, humane society or dog or cat protec-
9 tive association or who shall furnish any licensed veterinarian of this
10 state with inaccurate information concerning his or her residency or the
11 ownership of an animal or such person's authority to submit an animal
12 for a ~~[spaying or neutering]~~ sterilization procedure established pursu-
13 ant to section 17-812 of the administrative code of the city of New York
14 and any veterinarian who shall furnish false information concerning an
15 animal sterilization fee schedule or an animal sterilization certificate
16 shall be guilty of a violation punishable by a fine of not more than two
17 hundred fifty dollars where prosecuted pursuant to the penal law, or
18 where prosecuted as an action to recover a civil penalty of not more
19 than two hundred fifty dollars. Notices of violation may be issued
20 pursuant to this act by any officer or agent of the department of health
21 and mental hygiene of such city, or any other agency or entity desi-
22 gnated by the commissioner of health and mental hygiene of such city, and
23 such notices of violation shall be returnable to the environmental
24 control board or to the health tribunal of the office of administrative
25 trials and hearings of the city of New York.

26 § 5. Section 13 of chapter 115 of the laws of 1894, relating to the
27 better protection of lost and strayed animals and for securing the
28 rights of owners thereof, as renumbered by chapter 179 of the laws of
29 1987, is amended to read as follows:

30 § 13. ~~[None of the provisions of this act shall apply to dogs owned~~
31 ~~by]~~ (1) An exemption from the dog licensing requirements of this act
32 shall be provided for the following persons, organizations, and busi-
33 nesses:

34 (a) individuals who are non-residents [passing through the] of such
35 city, [nor to dogs brought to the city and entered for exhibition at any
36 dog show] or who are temporarily residing in such city for a period not
37 to exceed thirty days;

38 (b) individuals for the first thirty days after becoming a resident of
39 such city; and

40 (c) for dogs in their temporary custody for the purposes of redemption
41 by an owner, placement for adoption, boarding, grooming, training,
42 veterinary treatment or provision of other services: animal shelters,
43 duly incorporated humane societies, duly incorporated societies for the
44 prevention of cruelty to animals, duly incorporated animal protective
45 associations, boarding kennels, grooming parlors, salons, pet shops,
46 training establishments or similar businesses or establishments.

47 (2) An exemption from the dog license fees of section two of this act
48 shall be provided for guide dogs, hearing dogs, service dogs or police
49 work dogs, as such terms are defined in section 108 of the agriculture
50 and markets law.

51 § 6. Subdivision 2 of section 17-812 of the administrative code of the
52 city of New York, as added by section 28 of part T of chapter 59 of the
53 laws of 2010, is amended to read as follows:

54 2. Such fund shall consist of all moneys collected from the animal
55 population control program established pursuant to section 17-811 of
56 this chapter ~~[and]~~, all moneys collected for the additional fee charged

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1 for a license to be issued or renewed for an unsterilized dog pursuant
2 to subdivision three of section [three-a] two of chapter one hundred
3 fifteen of the laws of eighteen hundred ninety-four, that portion of any
4 penalties assessed under section three of such chapter due to be paid to
5 such fund, and all other moneys credited or transferred thereto from any
6 other fund or source pursuant to law.

7 § 7. This act shall take effect on the sixtieth day after it shall
8 have become a law, provided that upon the repeal of sections 1, 2, 2-a,
9 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better
10 protection of lost and strayed animals and for securing the rights of
11 owners thereof, pursuant to section one of this act, any existing
12 licenses or renewals thereof issued under the provisions of such
13 sections shall continue to be valid for such terms as they were issued
14 under such provisions; and provided further that such licenses shall be
15 renewable pursuant to the new provisions added by section one of this
16 act; and provided further that upon the repeal of sections 1, 2, 2-a, 3,
17 3-a and 4 of chapter 115 of the laws of 1894, relating to the better
18 protection of lost and strayed animals and for securing the rights of
19 owners thereof, any license or renewal fees previously authorized and in
20 effect pursuant to such sections as of the date this act takes effect
21 shall remain in effect until new fees shall be adopted and take effect
22 pursuant to local law enacted in accordance with this act; and provided
23 further that notices of violation may not be issued pursuant to section
24 three of chapter 115 of the laws of 1894, relating to better protection
25 of lost and strayed animals and for securing the rights of owners there-
26 of, until the one hundred twentieth day after this act shall have become
27 a law.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5048

SPONSOR: SERRANO

TITLE OF BILL: An act to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city

PURPOSE: To improve and clarify the law related to licensing of dogs in New York City and to give the City greater local control over licensure and the associated fees.

SUMMARY OF PROVISIONS:

Section 1 of the bill repeals sections 1, 2, 2-a, 3, 3-a, and 4 of chapter 115 of the laws of 1894 and replaces them with four new sections 1, 2, 3, and 4.

The repealed section 1 of chapter 115 requires dogs to be licensed in cities with a population of two million or more, sets the base fee at \$8 40, with an additional fee for unsterilized dogs, with an exemption from the additional fee if the life of the dog would be endangered by sterilization.

The repealed section 2 of chapter 115 sets the term of licenses at one year and requires renewal each year.

The repealed section 2-a of chapter 115 sets a fee of \$2.00 for late renewal of licenses

The repealed section 3 of chapter 115 requires certificates of license or renewal to state the name and address of person who obtained the license and the number of the license.

The repealed section 3-a of chapter 115 sets the additional fee for unsterilized dogs at the greater of \$3.00 or an amount set by the New York City Council or the New York City Board of Health, and requires that the additional fees be deposited in the City's animal population control fund.

The repealed section 4 of chapter 115 requires every licensed dog to wear a collar with a license tag.

The new section 1 of chapter 115 specifies that the chapter applies in New York City.

The new section 2 of chapter 115 requires that dogs be licensed and makes various provisions related to license applications and fees. Subdivision 1 of the new section 2 of chapter 115 requires dogs to be licensed, requires the applicant for a license to provide information and authorizes the City health commissioner to require proof of rabies vaccination with the application.

Subdivision 2 of the new section 2 of chapter 115 sets the term at one year or a longer amount of time that may be set by the City health commissioner.

Subdivision 3 of the new section 2 of chapter 115 permits New York City to set fees for licenses by local law, with an additional fee for licensing unsterilized dogs to be at least 85 percent of the base fee applicable to licensing all dogs.

Subdivision 4 of the new section 2 of chapter 115 requires that the additional fees for licensing unsterilized dogs be deposited in the City's animal population control fund.

Subdivision 5 of the new section 2 of chapter 115 requires that fees for a period greater than one year be prorated.

Subdivision 6 of the new section 2 of chapter 115 authorizes the City to set a fee by local law for late renewal of licenses at no more than 20 percent of the base fee for a license.

Subdivision 7 of the new section 2 of chapter 115 requires applicants for licenses to be notified that they may submit, along with the license fees, a contribution to help fund low-cost sterilization services.

Subdivision 8 of the new section 2 of chapter 115 requires the City to forward 10 cents front the fee for each license to the State commissioner of agriculture, to be used to fund research into diseases of dogs and viruses that affect people and animals. This subdivision replaces section 8-a of chapter 115, which is repealed by section 3 of the bill, as indicated below.

Subdivision 9 of the new section 2 of chapter 115 specifies that license fees shall not be based in whole or part on the breed of the dog.

The new section 3 of chapter 115 makes provisions related to violations of the licensing requirement

Subdivision 1 of the new section 3 of chapter 115 provides for a fine of \$75 for an unlicensed dog and \$100 for a second offense within 5 years.

Subdivision 2 of the new section 3 of chapter 115 provides that a violation for an unlicensed dog may not be issued to a person in the course of obtaining or renewing a license, and provides for a defense if a person issued a violation has applied for a license but not yet received it or if a previously valid license has been expired for 30 days or less.

Subdivision 3 of the new section 3 of chapter 115 provides that three-quarters of the amount paid in fines for violations of the license requirement shall be deposited in the City's animal population control fund and that the remainder shall be used solely for activities related

to animal care and control.

The new section 4 of chapter 115 makes provisions related to issuance of licenses, license tags, and renewals.

Subdivision 1 of the new section 4 of chapter 115 requires the City to supply certificates of license or renewal. Subdivision 2 of the new section 4 of chapter 115 requires every licensed dog to wear a collar with a license tag supplied by the City, requires the City to notify the recipient of each tag of the penalty for using it for a dog other than the one for which it was issued, permits the City to issue optional specialty tags for an additional price, and permits the City require a tag indicating that a rabies vaccination has been administered.

Subdivision 3 of the new section 4 of chapter 115 permits the City to issue replacements for lost tags, for a fee equal to the cost of replacement.

Subdivision 4 of the new section 4 of chapter 115 provides for the City to notify licensees 30 days before a license will expire

Section 2 of the bill amends section 8 of chapter 115 of the laws of 1894 to give primary responsibility for carrying out its provisions to the City health department rather than the American Society for the Prevention of Cruelty to Animals (ASPCA), and to make technical changes.

Section 3 of the bill repeals sections 8-a and 8-c of chapter 115 of the laws of 1894, amends section 8-b, and rennumbers section 8-b as section 8-a.

The repealed section 8-a of chapter 115 requires the City to forward 10 cents from the fee for each license-to the State commissioner of agriculture, to be used to fund research into diseases of dogs and viruses that affect people and animals. This repealed section is replaced by subdivision 8 of the new section 2 of chapter 115, as indicated above. The repealed section 8-c of chapter 115 sets forth various now-moot provisions related to the relationship between the ASPCA and the City.

The newly renumbered section 8-a of chapter 115 is amended to clarify that certain entities that give a dog to a New York City resident in the city are required to ensure the recipient of the dog submit a license application. The amendments also expand the range of people or entities the City may designate to process dog license applications on its behalf, to include, for example, those who provide care, treatment, services, or merchandise for animals, and increases the compensation such outside entities may receive from the current \$1.00 per application to a new amount set at 10 percent of the application fees

Section 4 of the bill amends section 9 of chapter 115 of the laws of 1894 to remove a provision that subjects any person who has a dog without complying with the licensing requirements to a charge of disorderly conduct and a fine of up to \$10.00 or 10 days in prison. (The new section 3 of chapter 115, added by this bill as indicated above, creates new provisions related to violations of the licensing requirement.) Section 9 is also amended to make certain other violations of the law returnable to the City's Environmental Control Board or Health Tribunal and to make technical changes.

Section 5 of the bill amends section 13 of chapter 115 of the laws of 1894 to provide for an exemption from New York City's dog licensing

requirements for non-residents of New York City, those who reside in the city temporarily or who recently arrived, organizations that shelter and care for animals, boarding kennels, grooming parlors, salons, pet shops, training establishments, and similar businesses. The amended section

13 also provides an exemption from the license fees for guide dogs, hearing dogs, service dogs, and police work dogs.

Section 6 of the bill amends section 17-812 of the administrative code of the city of New York to make it conform with the new and renumbered provisions of chapter 115 of the laws of 1894 as amended by this bill

Section 7 of the bill sets forth the effective date.

JUSTIFICATION: The State law that requires dogs in New York City to be licensed and provides for license fees, issuance, and enforcement has become outdated and doesn't provide for an appropriate level of discretion and home rule, making licensure burdensome for both the City and those with dogs that need to be licensed.

While the law specifies that license fees are intended to defray the costs of the City's animal control program, most of the current fees were set many decades ago and no longer cover even the cost of issuing the licenses. (The existing law specifies a set amount for most fees related to licenses, granting the City the option of increasing the amount of just one fee, the surcharge applicants must pay to license an unsterilized dog.) The City is currently undertaking an effort to protect public health and improve animal care by increasing public awareness of the licensing requirements, and increasing shelter services, hours of operation, field services, and adoption services, with the expanded services being phased in between 2011 and 2014. The ability to set reasonable fees by local law, as this bill would provide, would help the City implement these changes effectively. The bill also imposes certain parameters for setting the fees, to ensure fairness and to achieve certain policy objectives.

Current law permits private entities, such as pet shops, to issue licenses on behalf of the City, but authorizes them to receive only \$1.00 per license for providing the service. As a result, virtually the only licenses issued privately are those mandated to be issued by shelters and other animal organizations to adopted animals. This bill would rectify this problem by authorizing a private dog license provider to receive 10 percent of the total fees. The bill also expands the range of entities that may be authorized by the City to process applications.

Under the existing law, an applicant for a dog license must pay must submit notarized proof that the dog has been sterilized in order to avoid paying the surcharge applicable to an unsterilized dog. Given this administrative burden, many people simply avoid licensing their dogs. This bill would allow self-certification by applicants that their dog has been sterilized, simplifying the application and enabling online licensing. The bill also authorizes the City to require proof of rabies vaccination with license applications and to mandate that dogs wear a tag indicating they've been vaccinated.

The current law provides for seizure of a dog without a license but provides no authority to issue a notice of violation or a fine. This bill would establish notices of violation and fines to promote compliance with the license requirements. It would also clarify and expand the

range of exemptions from the license requirements so that people are not charged and fined unreasonably.

LEGISLATIVE HISTORY: 2012: A05950B (Kavanagh) - Agriculture 2011: A05950 (Kavanagh) - Agriculture/S7667 (Rules)- Rules

FISCAL IMPACT ON THE STATE: None.

EFFECTIVE DATE: This act shall take effect on the sixtieth day after it shall have become a law, provided that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, pursuant to section one of this act, any existing licenses or renewals thereof issued under the provisions of such sections shall continue to be valid for such terms as they were issued under such provisions; and provided further that such licenses shall be renewable pursuant to the new provisions added by section one of this act; and provided further that upon the repeal of sections 1, 2, a-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, any license or renewal fees previously authorized and in effect pursuant to such sections as of the date this act takes effect shall remain in effect until new fees shall be adopted and take effect pursuant to local law enacted in accordance with this act; and provided further that notices of violation may not be issued pursuant to section three of chapter 115 of the laws of 1894, relating to better protection of lost and strayed animals and for securing the rights of owners thereof, until the one hundred twentieth day after this act shall have become a law.

STATE OF NEW YORK

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2013-2014 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2013

Introduced by M. of A. KAVANAGH, GLICK, MAGEE, ENGLEBRIGHT, BRENNAN, COOK, DINOWITZ, GALEF, MILLMAN, ORTIZ, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city

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1 Section 1. Sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws
2 of 1894, relating to the better protection of lost and strayed animals
3 and for securing the rights of owners thereof, are REPEALED and four new
4 sections 1, 2, 3 and 4 are added to read as follows:
5 Section 1. The provisions of this act shall apply in the city of New
6 York.
7 § 2. (1) Every person who owns or harbors one or more dogs within the
8 corporate limits of such city, shall procure a license for each dog as
9 provided in this act. In applying for such license to be issued or
10 renewed, the applicant shall provide in writing the name, sex, breed,
11 age, color and markings of the dog for which the license is to be
12 procured or renewed and such information that the commissioner of health
13 and mental hygiene of such city deems necessary to notify the applicant
14 when the license is due to be renewed or to contact the applicant in the
15 event the dog is found after becoming lost or strayed. Such commissioner
16 may issue rules requiring proof of rabies vaccination, or an affirmation

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 that such vaccine has been administered, as part of the application for
2 such license to be issued or renewed.

3 (2) Licenses issued or renewed under this act shall be valid for a
4 term of one year or, pursuant to rules issued by such commissioner, for
5 a period greater than one year.

6 (3) The fees for a license issued or renewed under this act shall be
7 set by local law, subject to the provisions of this subdivision. There
8 shall be a base fee for a license to be issued or renewed for any dog.
9 There shall be an additional fee for a license to be issued or renewed
10 for a non-sterilized dog. The amount of such additional fee shall be at
11 least eighty-five percent of the amount of the base fee. Applicants
12 shall pay the additional fee unless their application is accompanied by:
13 (i) a statement signed by a licensed veterinarian providing that the dog
14 has been sterilized or that such veterinarian has examined the dog and
15 found that because of old age or other permanent medical condition, the
16 life of the dog would be endangered by sterilization, or (ii) a state-
17 ment, approved as to form by such commissioner and affirmed by the
18 applicant, that the dog has been sterilized.

19 (4) The amount collected for the additional fee charged for a license
20 to be issued or renewed for an unsterilized dog as provided in subdivi-
21 sion three of this section shall be forwarded to the city comptroller
22 for deposit in the animal population control fund created pursuant to
23 section 17-812 of the administrative code of the city of New York.

24 (5) When a license is issued or renewed for a term other than one
25 year, the fees shall be a prorated amount of the fees per year set as
26 provided in subdivision three of this section.

27 (6) Any person who fails to renew a license prior to its date of expi-
28 ration may be required to pay a late fee upon renewal of a license, with
29 the amount of such late fee set by local law. Such amount shall be no
30 more than twenty percent of the amount of the base fee for a license to
31 be issued or renewed as provided in subdivision three of this section.

32 (7) The application for a license to be issued or renewed shall be
33 accompanied by a statement as prescribed by such commissioner, notifying
34 the applicant that he or she may submit, along with the fees required by
35 this section, an additional amount to be utilized for the purpose of
36 funding low-cost sterilization services from the animal population
37 control fund created pursuant to section 17-812 of the administrative
38 code of the city of New York. Any additional amount submitted pursuant
39 to this subdivision shall be deposited in such fund.

40 (8) From the fees collected pursuant to this act for each dog license
41 issued or renewed, the sum of ten cents annually for the term of such
42 license shall be remitted by such city to the commissioner of agricul-
43 ture and markets on or before the fifteenth day of each month, with such
44 sum to be used to fund research into diseases of dogs and the search for
45 and the study of viruses that affect people and animals.

46 (9) The amount of any fee charged pursuant to this act shall not be
47 based in whole or part on the breed of the dog.

48 § 3. (1) Any person who is required to obtain or renew a dog license
49 pursuant to this act but fails to do so may be issued a notice of
50 violation, returnable to the environmental control board or health
51 tribunal of the office of administrative trials and hearings of the city
52 of New York, and may be subject to a civil penalty of not more than
53 seventy-five dollars for the first violation and no more than one
54 hundred dollars when such person was found to have violated this section
55 within the preceding five years. Such notice of violation may be issued
56 by any officer or agent of the department of health and mental hygiene

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1 of such city, or any other agency or entity designated by the commis-
2 sioner of health and mental hygiene or such city, when such officer or
3 agent observes the dog for which such license has not been obtained or
4 renewed.

5 (2) Notwithstanding subdivision one of this section, such notice of
6 violation may not be issued to a person when such person is in the
7 course of obtaining or renewing a license for the dog for which the
8 notice of violation would be issued. It shall be an affirmative defense
9 to any such violation that: (i) the person required to obtain or renew a
10 dog license duly applied for such license or renewal prior to the date
11 of the violation but the department of health and mental hygiene of such
12 city had not issued or renewed such license; or (ii) such person had
13 previously procured a license that was valid for a term that ended not
14 more than thirty days before such notice of violation was issued and
15 such person duly applied for renewal of such license subsequent to such
16 notice of violation being issued.

17 (3) Three quarters of any amount paid as a penalty for a violation
18 pursuant to this section shall be forwarded to the city comptroller for
19 deposit in the animal population control fund created pursuant to
20 section 17-812 of the administrative code of the city of New York, and
21 the remainder shall be used solely for carrying out the provisions of
22 this act, establishing, maintaining, or funding shelters for lost,
23 strayed, or homeless animals, providing or funding public education
24 regarding responsible animal care and dog licensing requirements, and
25 conducting other animal care and control activities.

26 § 4. (1) With each license issued or renewed under this act, the
27 department of health and mental hygiene of such city shall supply the
28 applicant with a certificate of license or renewal stating the name and
29 address of the owner of the dog and the number of such license or
30 renewal.

31 (2) Every dog licensed under this act shall, at all times, have a
32 collar about its neck with a tag made of metal or other durable material
33 attached thereto, bearing the number of the license. Such tag shall be
34 supplied to the owner by such department. Such department shall provide
35 notice with each such tag that anyone who shall use a license tag on a
36 dog for which it was not issued shall be deemed guilty of a misdemeanor
37 as provided in section nine of this act. Nothing in this act shall
38 prevent such department from issuing specialty tags which, for an addi-
39 tional cost set by local law, owners may purchase in lieu of the stand-
40 ard tags issued pursuant to this section. The commissioner of health
41 and mental hygiene of such city may issue rules requiring that dogs
42 licensed under this act shall have attached to such collar a tag indi-
43 cating that a rabies vaccination has been administered.

44 (3) Such department may issue replacements for tags that are lost and
45 may require reasonable proof of loss of the original and payment of a
46 sum, set by local law, equal to the cost of replacement.

47 (4) On or about the thirtieth day before the end of the term for which
48 a license issued or renewed under this act shall be valid, such depart-
49 ment shall notify the licensee by mail or other means, using the contact
50 information provided pursuant to subdivision one of section two of this
51 act, of the date by which renewal is required, the manner in which the
52 licensee may apply for renewal, the fees associated with on-time and
53 late renewal respectively, and the penalties to which the licensee may
54 be subject under section three of this act in the event he or she fails
55 to renew such license.

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1 § 2. Section 8 of chapter 115 of the laws of 1894, relating to the
2 better protection of lost and strayed animals and for securing the
3 rights of owners thereof, is amended to read as follows:

4 § 8. The ~~[American society for the prevention of cruelty to animals]~~
5 department of health and mental hygiene of such city is hereby empowered
6 and authorized to carry out the provisions of this act, and ~~[the said~~
7 ~~society]~~ such department is further authorized to issue and renew
8 licenses ~~[and renewals]~~, and to collect the fees ~~[for such,]~~ set forth
9 in this act or otherwise established as ~~[is herein]~~ prescribed~~[, which~~
10 ~~fees are to]~~ in this act. Such fees, excluding the additional fees
11 charged for licenses to be issued or renewed for unsterilized dogs
12 pursuant to subdivision three of section two of this act and the amounts
13 specified in subdivision eight of section two of this act, shall be used
14 [by said society towards defraying the] to defray such city's cost of
15 carrying out the provisions of this act ~~[and maintaining a shelter]~~,
16 establishing, maintaining, or funding shelters for lost, strayed or
17 homeless animals, and providing or funding public education regarding
18 responsible animal care and dog licensing requirements.

19 § 3. Sections 8-a and 8-c of chapter 115 of the laws of 1894, relating
20 to the better protection of lost and strayed animals and for securing
21 the rights of owners thereof, are REPEALED and section 8-b, as added by
22 chapter 152 of the laws of 1971, is renumbered 8-a and amended to read
23 as follows:

24 § 8-a. (1) No person holding a permit issued pursuant to section
25 161.09 of the New York city health code or a license issued pursuant to
26 article 26-A of the agriculture and markets law shall sell or transfer
27 ownership of a dog in such city without first requiring the purchaser or
28 other new owner to submit an application for a dog license and to pay
29 all required fees, unless such purchaser or other new owner shall
30 execute and submit to such seller or transferor a written statement that
31 the dog to be purchased or transferred is to be harbored outside ~~[the]~~
32 such city. Such applications and written statements shall be on forms
33 furnished by the ~~[society]~~ department of health and mental hygiene of
34 such city and shall, within ten days after execution by a purchaser or
35 other new owner, be forwarded by the seller or transferor to ~~[the socie-~~
36 ~~ty]~~ such department.

37 (2) Any seller or transferor processing an application pursuant to
38 subdivision one or three of this section shall, on or before the tenth
39 day of the month next succeeding the month in which collected, remit to
40 ~~[the society]~~ such department the amount of fees collected less ~~[one~~
41 ~~dollar]~~ ten percent of the base fees set pursuant to subdivision three
42 of section two of this act for each application processed.

43 (3) The commissioner of health and mental hygiene of such city may
44 designate any other person or entity, including but not limited to a
45 person or entity who provides care, treatment, services, or merchandise
46 for animals, to process applications for dog licenses, collect fees, and
47 remit the amount of fees collected less ten percent of such base fee in
48 accordance with this section and otherwise consistent with the
49 provisions of this act.

50 § 4. Section 9 of chapter 115 of the laws of 1894, relating to the
51 better protection of lost and strayed animals and for securing the
52 rights of owners thereof, as amended by section 32 of part T of chapter
53 59 of the laws of 2010, is amended to read as follows:

54 § 9. Any person or persons, who shall hinder or molest or interfere
55 with any officer or agent of ~~[said society]~~ the department of health and
56 mental hygiene of such city in the performance of any duty enjoined by

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1 this act, or who shall use a license tag on a dog for which it was not
2 issued, shall be deemed guilty of a misdemeanor. [~~Any person who owns or~~
3 ~~harbors a dog without complying with the provisions of this act shall be~~
4 ~~deemed guilty of disorderly conduct, and upon conviction thereof before~~
5 ~~any magistrate shall be fined for such offense any sum not exceeding ten~~
6 ~~dollars, and in default of payment of such fine may be committed to~~
7 ~~prison by such magistrate until the same be paid, but such imprisonment~~
8 ~~shall not exceed ten days.~~] Any person who for the purpose of partic-
9 ipating in the "animal population control program" shall falsify proof
10 of adoption from a pound, shelter, duly incorporated society for the
11 prevention of cruelty to animals, humane society or dog or cat protec-
12 tive association or who shall furnish any licensed veterinarian of this
13 state with inaccurate information concerning his or her residency or the
14 ownership of an animal or such person's authority to submit an animal
15 for a [~~spaying or neutering~~] sterilization procedure established pursu-
16 ant to section 17-812 of the administrative code of the city of New York
17 and any veterinarian who shall furnish false information concerning an
18 animal sterilization fee schedule or an animal sterilization certificate
19 shall be guilty of a violation punishable by a fine of not more than two
20 hundred fifty dollars where prosecuted pursuant to the penal law, or
21 where prosecuted as an action to recover a civil penalty of not more
22 than two hundred fifty dollars. Notices of violation may be issued
23 pursuant to this act by any officer or agent of the department of health
24 and mental hygiene of such city, or any other agency or entity desig-
25 nated by the commissioner of health and mental hygiene of such city, and
26 such notices of violation shall be returnable to the environmental
27 control board or to the health tribunal of the office of administrative
28 trials and hearings of the city of New York.

29 § 5. Section 13 of chapter 115 of the laws of 1894, relating to the
30 better protection of lost and strayed animals and for securing the
31 rights of owners thereof, as renumbered by chapter 179 of the laws of
32 1987, is amended to read as follows:

33 § 13. [~~None of the provisions of this act shall apply to dogs owned~~
34 ~~by~~] (1) An exemption from the dog licensing requirements of this act
35 shall be provided for the following persons, organizations, and busi-
36 nesses:

37 (a) individuals who are non-residents [passing through the] of such
38 city, [nor to dogs brought to the city and entered for exhibition at any
39 dog show] or who are temporarily residing in such city for a period not
40 to exceed thirty days;

41 (b) individuals for the first thirty days after becoming a resident of
42 such city; and

43 (c) for dogs in their temporary custody for the purposes of redemption
44 by an owner, placement for adoption, boarding, grooming, training,
45 veterinary treatment or provision of other services: animal shelters,
46 duly incorporated humane societies, duly incorporated societies for the
47 prevention of cruelty to animals, duly incorporated animal protective
48 associations, boarding kennels, grooming parlors, salons, pet shops,
49 training establishments or similar businesses or establishments.

50 (2) An exemption from the dog license fees of section two of this act
51 shall be provided for guide dogs, hearing dogs, service dogs or police
52 work dogs, as such terms are defined in section 108 of the agriculture
53 and markets law.

54 § 6. Subdivision 2 of section 17-812 of the administrative code of the
55 city of New York, as added by section 28 of part T of chapter 59 of the
56 laws of 2010, is amended to read as follows:

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1 2. Such fund shall consist of all moneys collected from the animal
2 population control program established pursuant to section 17-811 of
3 this chapter [~~and~~], all moneys collected for the additional fee charged
4 for a license to be issued or renewed for an unsterilized dog pursuant
5 to subdivision three of section [~~three-a~~ two of chapter one hundred
6 fifteen of the laws of eighteen hundred ninety-four, that portion of any
7 penalties assessed under section three of such chapter due to be paid to
8 such fund, and all other moneys credited or transferred thereto from any
9 other fund or source pursuant to law.

10 § 7. This act shall take effect on the sixtieth day after it shall
11 have become a law, provided that upon the repeal of sections 1, 2, 2-a,
12 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better
13 protection of lost and strayed animals and for securing the rights of
14 owners thereof, pursuant to section one of this act, any existing
15 licenses or renewals thereof issued under the provisions of such
16 sections shall continue to be valid for such terms as they were issued
17 under such provisions; and provided further that such licenses shall be
18 renewable pursuant to the new provisions added by section one of this
19 act; and provided further that upon the repeal of sections 1, 2, 2-a, 3,
20 3-a and 4 of chapter 115 of the laws of 1894, relating to the better
21 protection of lost and strayed animals and for securing the rights of
22 owners thereof, any license or renewal fees previously authorized and in
23 effect pursuant to such sections as of the date this act takes effect
24 shall remain in effect until new fees shall be adopted and take effect
25 pursuant to local law enacted in accordance with this act; and provided
26 further that notices of violation may not be issued pursuant to section
27 three of chapter 115 of the laws of 1894, relating to better protection
28 of lost and strayed animals and for securing the rights of owners there-
29 of, until the one hundred twentieth day after this act shall have become
30 a law.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A2046

SPONSOR: Kavanagh (MS)

TITLE OF BILL: An act to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city

PURPOSE: To improve and clarify the law related to licensing of dogs in New York City and to give the City greater local control over licensure and the associated fees.

SUMMARY OF PROVISIONS:

Section 1 of the bill repeals sections 1, 2, 2-a, 3, 3-a, and 4 of chapter 115 of the laws of 1894 and replaces them with four new sections 1, 2, 3, and 4.

The repealed section 1 of chapter 115 requires dogs to be licensed in cities with a population of two million or more, sets the base fee at \$8.40, with an additional fee for unsterilized dogs, with an exemption from the additional fee if the life of the dog would be endangered by sterilization.

The repealed section 2 of chapter 115 sets the term of licenses at one year and requires renewal each year.

The repealed section 2-a of chapter 115 sets a fee of \$2.00 for late renewal of licenses.

The repealed section 3 of chapter 115 requires certificates of license or renewal to state the name and address of person who obtained the license and the number of the license.

The repealed section 3-a of chapter 115 sets the additional fee for unsterilized dogs at the greater of \$3.00 or an amount set by the New York City Council or the New York City Board of Health, and requires that the additional fees be deposited in the City's animal population control fund.

The repealed section 4 of chapter 115 requires every licensed dog to wear a collar with a license tag.

The new section 1 of chapter 115 specifies that the chapter applies in New York City.

The new section 2 of chapter 115 requires that dogs be licensed and makes various provisions related to license applications and fees.

Subdivision 1 of the new section 2 of chapter 115 requires dogs to be licensed, requires the applicant for a license to provide information and authorizes the City health commissioner to require proof of rabies vaccination with the application.

Subdivision 2 of the new section 2 of chapter 115 sets the term at one year or a longer amount of time that may be set by the City health commissioner.

Subdivision 3 of the new section 2 of chapter 115 permits New York City to set fees for licenses by local law, with an additional fee for licensing unsterilized dogs to be at least 85 percent of the base fee applicable to licensing all dogs.

Subdivision 4 of the new section 2 of chapter 115 requires that the additional fees for licensing unsterilized dogs be deposited in the City's animal population control fund.

Subdivision 5 of the new section 2 of chapter 115 requires that fees for a period greater than one year be prorated.

Subdivision 6 of the new section 2 of chapter 115 authorizes the City to set a fee by local law for late renewal of licenses at no more than 20 percent of the base fee for a license.

Subdivision 7 of the new section 2 of chapter 115 requires applicants for licenses to be notified that they may submit, along with the license fees, a contribution to help fund low-cost sterilization services.

Subdivision 8 of the new section 2 of chapter 115 requires the City to forward 10 cents front the fee for each license to the State commissioner of agriculture, to be used to fund research into diseases of dogs and viruses that Affect people and animals. This subdivision replaces section 8-a of chapter 115, which is repealed by section 3 of the bill, as indicated below.

Subdivision 9 of the new section 2 of chapter 115 specifies that license fees shall not be based in whole or part on the breed of the dog.

The new section 3 of chapter 115 makes provisions related to violations of the licensing requirement.

Subdivision 1 of the new section 3 of chapter 115 provides for a fine of \$75 for an unlicensed dog and \$100 for a second offense within 5 years.

Subdivision 2 of the new section 3 of chapter 115 provides that a violation for an unlicensed dog may not be issued to a person in the course of obtaining or renewing a license, and provides for a defense if a person issued a violation has applied for a license but not yet received it or if a previously valid license has been expired for 30 days or less.

Subdivision 3 of the new section 3 of chapter 115 provides that three-quarters of the amount paid in fines for violations of the license requirement shall be deposited in the City's animal population control fund and that the remainder shall be used solely for activities related

to animal care and control.

The new section 4 of chapter 115 makes provisions related to issuance of licenses, license tags, and renewals.

Subdivision 1 of the new section 4 of chapter 115 requires the City to supply certificates of license or renewal.

Subdivision 2 of the new section 4 of chapter 115 requires every licensed dog to wear a collar with a license tag supplied by the City, requires the City to notify the recipient of each tag of the penalty for using it for a dog other than the one for which it was issued, permits the City to issue optional specialty tags for an additional price, and permits the City require a tag indicating that a rabies vaccination has been administered.

Subdivision 3 of the new section 4 of chapter 115 permits the City to issue replacements for lost tags, for a fee equal to the cost of replacement.

Subdivision 4 of the new section 4 of chapter 115 provides for the City to notify licensees 30 days before a license will expire.

Section 2 of the bill amends section 8 of chapter 115 of the laws of 1894 to give primary responsibility for carrying out its provisions to the City health department rather than the American Society for the Prevention of Cruelty to Animals (ASPCA), and to make technical changes.

Section 3 of the bill repeals sections 8-a and 8-c of chapter 115 of the laws of 1894, amends section 8-b, and renumbers section 8-b as section 8-a.

The repealed section 8-a of chapter 115 requires the City to forward 10 cents from the fee for each license-to the State commissioner of agriculture, to be used to fund research into diseases of dogs and viruses that affect people and animals. This repealed section is replaced by subdivision 8 of the new section 2 of chapter 115, as indicated above. The repealed section 8-c of chapter 115 sets forth various now-moot provisions related to the relationship between the ASPCA and the City.

The newly renumbered section 8-a of chapter 115 is amended to clarify that certain entities that give a dog to a New York City resident in the city are required to ensure the recipient of the dog submit a license application. The amendments also expand the range of people or entities the City may designate to process dog license applications on its behalf, to include, for example, those who provide care, treatment, services, or merchandise for animals, and increases the compensation such outside entities may receive from the current \$1.00 per application to a new amount set at 10 percent of the application fees.

Section 4 of the bill amends section 9 of chapter 115 of the laws of 1894 to remove a provision that subjects any person who has a dog without complying with the licensing requirements to a charge of disorderly conduct and a fine of up to \$10.00 or 10 days in prison. (The new section 3 of chapter 115, added by this bill as indicated above, creates new provisions related to violations of the licensing requirement.) Section 9 is also amended to make certain other violations of the law returnable to the City's Environmental Control Board or Health Tribunal and to make technical changes.

Section 5 of the bill amends section 13 of chapter 115 of the laws of

1894 to provide for an exemption from New York City's dog licensing requirements for non-residents of New York City, those who reside in the city temporarily or who recently arrived, organizations that shelter and care for animals, boarding kennels, grooming parlors, salons, pet shops, training establishments, and similar businesses. The amended section 13 also provides an exemption from the license fees for guide dogs, hearing dogs, service dogs, and police work dogs.

Section 6 of the bill amends section 17-812 of the administrative code of the city of New York to make it conform with the new and renumbered provisions of chapter 115 of the laws of 1894 as amended by this bill.

Section 7 of the bill sets forth the effective date.

JUSTIFICATION:

The State law that requires dogs in New York City to be licensed and provides for license fees, issuance, and enforcement has become outdated and doesn't provide for an appropriate level of discretion and home rule, making licensure burdensome for both the City and those with dogs that need to be licensed.

While the law specifies that license fees are intended to defray the costs of the City's animal control program, most of the current fees were set many decades ago and no longer cover even the cost of issuing the licenses. (The existing law specifies a set amount for most fees related to licenses, granting the City the option of increasing the amount of just one fee, the surcharge applicants must pay to license an unsterilized dog.) The City is currently undertaking an effort to protect public health and improve animal care by increasing public awareness of the licensing requirements, and increasing shelter services, hours of operation, field services, and adoption services, with the expanded services being phased in between 2011 and 2014. The ability to set reasonable fees by local law, as this bill would provide, would help the City implement these changes effectively. The bill also imposes certain parameters for setting the fees, to ensure fairness and to achieve certain policy objectives.

Current law permits private entities, such as pet shops, to issue licenses on behalf of the City, but authorizes them to receive only \$1.00 per license for providing the service. As a result, virtually the only licenses issued privately are those mandated to be issued by shelters and other animal organizations to adopted animals. This bill would rectify this problem by authorizing a private dog license provider to receive 10 percent of the total fees. The bill also expands the range of entities that may be authorized by the City to process applications.

Under the existing law, an applicant for a dog license must pay must submit notarized proof that the dog has been sterilized in order to avoid paying the surcharge applicable to an unsterilized dog. Given this administrative burden, many people simply avoid licensing their dogs. This bill would allow self-certification by applicants that their dog has been sterilized, simplifying the application and enabling online licensing. The bill also authorizes the City to require proof of rabies vaccination with license applications and to mandate that dogs wear a tag indicating they've been vaccinated.

The current law provides for seizure of a dog without a license but provides no authority to issue a notice of violation or a fine. This

bill would establish notices of violation and fines to promote compliance with the license requirements. It would also clarify and expand the range of exemptions from the license requirements so that people are not charged and fined unreasonably.

LEGISLATIVE HISTORY:

2012: A05950B (Kavanagh) - Agriculture
2011: A05950 (Kavanagh) -Agriculture
2010: A00406 (Kavanagh) - Agriculture
2009: A00406 (Kavanagh) - Agriculture

2008: A08032A (Kavanagh) - Agriculture
2007: A08032 (Kavanagh) - Agriculture
2006: A07582 (Grannis) - Agriculture
2005: A07582 (Grannis) - Agriculture

FISCAL IMPACT ON THE STATE: None.

EFFECTIVE DATE: This act shall take effect on the sixtieth day after it shall have become a law, provided that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, pursuant to section one of this act, any existing licenses or renewals thereof issued under the provisions of such sections shall continue to be valid for such terms as they were issued under such provisions; and provided further that such licenses shall be renewable pursuant to the new provisions added by section one of this act; and provided further that upon the repeal of sections 1, 2, a-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, any license or renewal fees previously authorized and in effect pursuant to such sections as of the date this act takes effect shall remain in effect until new fees shall be adopted and take effect pursuant to local law enacted in accordance with this act; and provided further that notices of violation may not be issued pursuant to section three of chapter 115 of the laws of 1894, relating to better protection of lost and strayed animals and for securing the rights of owners thereof, until the one hundred twentieth day after this act shall have become a law.
