



Sub. H.B. 701

123rd General Assembly

(As Passed by the General Assembly)

Reps. Peterson, Goodman, Austria, Trakas, Allen, Hollister, Buehrer, Hoops, Harris, Krupinski, Pringle, Clancy, Flannery, Evans, Terwilleger, Damschroder, A. Core, Taylor, Carey, Young, Redfern, Hughes, Amstutz, Willamowski, Grendell, Schuler, Krebs, Verich, Sulzer, Distel, Perry, Healy, Widener, D. Miller, Stevens

Sens. Gardner, Spada, Latell, Fingerhut

Effective date: *

ACT SUMMARY

- Authorizes county auditors to allow the registration of dogs and kennels via the Internet.
- Authorizes county auditors to accept the payment of dog and kennel registration fees by credit card, debit card, charge card, or prepaid or stored value cards.
- Provides for the retention of dog and kennel registration records only until a county audit is performed by the Auditor of State or for a period of two years, whichever is later.
- Provides an exemption from the quarantine requirement that generally applies when a dog has bitten a person, for police dogs that have bitten a person while under the care of a licensed veterinarian or while being used for law enforcement, corrections, prison or jail security, or investigative purposes.
- Substitutes a requirement that, if such a police dog subsequently exhibits any abnormal behavior, the law enforcement agency and the law

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

enforcement officer who is assisted by the dog must make the dog available to the board of health for rabies testing.

- Creates the offense of harassing a police dog or horse.

CONTENT AND OPERATION

Dog and kennel registrations

Background law

Registration process. Under continuing law, generally everyone who owns, keeps, or harbors a dog more than three months of age must annually register the dog with the county auditor and pay a registration fee. Similarly, a kennel owner (a person professionally engaged in the business of breeding dogs for hunting or for sale) must annually register the kennel with the county auditor and pay a registration fee. If the application for either type of registration is not filed and the required fee paid on or before January 31 or (in the case of a dog registration only) a later date set by the board of county commissioners, the county auditor generally must assess a penalty in an amount equal to the registration fee, to be paid with that fee. (Sec. 955.14; secs. 955.01, 955.02, and 955.04, not in the act.)

A county auditor may authorize agents to receive applications for the registration of dogs and kennels and to issue certificates of registration and dog tags. If an authorized agent is involved, each applicant for a registration must pay the agent an additional 75¢ as an *administrative fee*, which is the agent's compensation. (Sec. 955.14(E).)

Guide, leader, hearing, or support dogs are exempted from the payment of a registration fee and, once registered, need not have their registration annually renewed as long as they continue to serve in that capacity (sec. 955.011, not in the act). Also, a law enforcement agency that owns, keeps, or harbors a law enforcement canine may file a special annual registration application with the county auditor for which no fee is charged (sec. 955.012, not in the act).

Retention of registration records. A county auditor must assign a distinctive number to every dog or dog kennel described in a registration application and deliver a certificate of registration bearing that number to the owner of the dog or dog kennel. A *permanent* record of all certificates of registration issued and the associated applications for registration formerly had to be kept by the auditor in a special register. (Sec. 955.07.)



Changes made by the act

Use of the Internet and financial transaction devices. The act permits a county auditor to establish procedures and take actions that are necessary to allow for either or both of the following: (1) dogs and kennels to be registered *via the Internet* and (2) the payment of dog and kennel registration fees by financial transaction devices, whether or not the auditor accepts Internet registrations and associated registration fee payments. "Financial transaction devices" are credit cards, debit cards, charge cards, or prepaid or stored value cards.¹ (Secs. 301.28(A)(1) and 955.013(A)(1) and (B).)

Payments by financial transaction devices. Although continuing law generally requires the approval and oversight of the board of county commissioners when the cards listed above are used for payments to county officials, the act authorizes the county auditor to accept payments made by those cards for dog or kennel registration fees without that approval or oversight. Accordingly, the act exempts the payment of those fees to the county auditor from the definition of "county expenses" in the continuing law pertaining to the use of those cards to pay county expenses in general. (Secs. 301.28(A)(2) and 955.013(B)(2).)

If a county auditor accepts the payment of dog and kennel registration fees by financial transaction devices, the auditor also must collect for each registration so paid one of the following (secs. 955.14(F) and 955.20):

(1) An administrative fee of 75¢ or another amount necessary to cover actual costs designated by the county auditor;

(2) If the board of county commissioners has established a surcharge or convenience fee for making payments *of other county expenses* by a financial transaction device, that surcharge or convenience fee;

(3) If the county auditor contracts with a third party to provide services to enable registration via the Internet, a surcharge or convenience fee as agreed to between that third party and the county for those Internet registration services. Any additional expenses incurred by the county auditor that result from such a contract and that are not covered by a surcharge or convenience fee must be paid out of the allowance provided to the county auditor from the county's "dog and kennel fund."

¹ The "Internet" is defined as the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the World Wide Web (sec. 955.013(A)(2)).



If any person chooses to pay a dog or kennel registration fee by financial transaction device, the applicable administrative fee, surcharge, or convenience fee mentioned above is considered voluntary and not refundable. It is in addition to any 75¢ administrative fee paid to an authorized agent of a county auditor for performing registration services. (Sec. 955.14(E) and (G).)

Also, under the act, when a county auditor has decided to allow dog and kennel registrations via the Internet, the auditor must *conspicuously post* the amount of the applicable administrative fee, surcharge, or convenience fee mentioned above *on the web page* where the auditor accepts payments by financial transaction devices for dog and kennel registrations (sec. 955.14(G)). (See **COMMENT.**)

Registration records: required retention period. The act also eliminates former law's requirement that the records of dog and kennel registration certificates and applications be permanently retained and instead requires their retention by a county auditor only for two years or until after a county audit is performed by the Auditor of State, whichever is later (sec. 955.07).

Police dogs exempt from quarantine

Under continuing law, when a dog has bitten a person, it must be quarantined for a period of ten days or another time the board of health determines is necessary to observe the dog for rabies (sec. 955.261(B)). The act exempts police dogs that have bitten a person while under the care of a licensed veterinarian or while being used for law enforcement, corrections, prison or jail security, or investigative purposes from the quarantine requirement. The act provides, instead, that if, after biting a person, a police dog *exhibits any abnormal behavior*, the law enforcement agency and the law enforcement officer who is assisted by the dog must make the dog available within a reasonable time after the bite occurs, for the board of health of the district in which the bite occurred to perform rabies testing. For purposes of this provision, a police dog is a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties. (Secs. 955.261(D) and (E) and 2921.321(F)(2).)

Criminal offense of "harassing a police dog or horse"

Continuing law creates the criminal offenses of assaulting a police dog or horse and assaulting a handicapped assistance dog. The act creates the additional offense of harassing a police dog or horse. It is committed if a person *recklessly* does any of the following: (1) taunts, torments, or strikes a police dog or horse, (2) throws an object or substance at a police dog or horse, (3) interferes with or obstructs a police dog or horse, or interferes with or obstructs a law enforcement



officer assisted by a police dog or horse, in specified manners, or (4) engages in any conduct that is likely to cause serious physical injury or death to a police dog or horse.² (Sec. 2921.321(B) and (D)(2).)

Harassing a police dog or horse is a misdemeanor of the second degree if the dog or horse that is the subject of a violation does not die or is not physically harmed. If a violation results in the death of the police dog or horse, the offense is a felony of the fourth degree. If a violation results in serious physical harm to the police dog or horse but not in its death, the offense is a felony of the fifth degree. If a violation results in physical harm but not in death or serious physical harm to the police dog or horse, the offense is a misdemeanor of the first degree. (Sec. 2921.321(D)(2).)

A person who is found guilty of harassing a police dog or horse must pay (1) any veterinary bills or bills for medication incurred by the police department as a result of the violation, (2) for any damaged equipment resulting from the violation, and (3) the cost of replacing the police dog or horse and of any further training of a new police dog or horse by a law enforcement officer that is required because of death or serious physical harm (sec. 2921.321(D)(3)).

COMMENT

The provisions of section 955.14(G) seem to imply that each county auditor and authorized agent will similarly post a conspicuous notice *in the auditor's or agent's office* of the fee or surcharge for payments made by a financial transaction device, although that posting is not expressly required.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-10-00	pp. 1940-1941
Reported, H. Local Gov't & Townships	09-26-00	pp. 2286-2290
Passed House (95-0)	11-09-00	pp. 2323-2324

² *The interference or obstruction referred to in item (3) must (a) inhibit or restrict the law enforcement officer's control of the police dog or horse, (b) deprive the law enforcement officer of that control, (c) release the police dog or horse from its area of control, or (d) enter that area of control without the law enforcement officer's consent, such as by placing food or another object or substance in that area of control (sec. 2921.321(B)(3)).*



Reported, S. State & Local Gov't & Veterans Affairs	12-07-00	p.	2347
Passed Senate (31-0)	12-07-00	pp.	2352-2353
House concurred in Senate amendments (94-0)	12-12-00	pp.	2477-2478

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