



**Am. H.B. 701**

123rd General Assembly  
(As Passed by the House)

**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**

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**BILL SUMMARY**

- Authorizes county auditors to allow for 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.

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**CONTENT AND OPERATION**

**Existing law**

**Registration fees**

Under current 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. 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. The annual dog registration fee is \$2, and the annual kennel registration fee is \$10, (1) unless, in the case of dog registration fees, the board of county commissioners sets a higher fee for dogs more than nine months of age that have not been spayed or neutered (with certain exceptions) or (2) unless the board of county commissioners by resolution increases dog and kennel registration fees in an

amount not to exceed estimated necessary expenses for the administration of the Dog Law (R.C. Chapter 955.) and claims allowed for animals injured or destroyed by dogs. 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 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 bill.)

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). 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).

### **Agents**

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).)

### **Retention of registration records**

Currently, 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 must be kept by the auditor in a special register. (Sec. 955.07.)

### **Changes proposed by the bill**

#### **Use of the Internet and financial transaction devices**

The bill 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

payments. "Financial transaction devices" are credit cards, debit cards, charge cards, or prepaid or stored value cards.<sup>1</sup> (Secs. 301.28(A)(1) and 955.013(A)(1) and (B).)

**Payments by financial transaction devices**

Although current law requires the approval and oversight of the board of county commissioners when the cards listed above are used for payments to county officials, the bill authorizes the county auditor to accept payments made by those cards for dog or kennel registration fees without that approval or oversight. But, the bill provides that the procedures that the county auditor establishes for payments of dog and kennel registration fees by financial transaction devices must be substantially similar to procedures established by the board of county commissioners for the acceptance of payment of other county expenses by financial transaction devices if the county has adopted a resolution authorizing the acceptance of other payments by those devices. (Secs. 301.28(A)(2) and 955.013(B)(2).) The "other county expenses--financial transaction devices" procedures include requesting proposals from at least three financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, before entering into a contract for the use of the financial transaction devices of any entity submitting a proposal; posting a notice in each county office taking payments by approved financial transaction devices clearly showing any surcharge or convenience fee that will be imposed for making a payment by such a device; and providing a specified written notice to each person making a payment by such a device. In addition, a penalty for returned or dishonored payments made by such a device may be imposed. (Sec. 301.28.)

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 (sec. 955.14(F)):

- (1) An administrative fee of 75¢;
- (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.

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<sup>1</sup> 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 bill, 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 bill also changes the 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).

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**COMMENT**

The provisions of section 955.14(G) seem to presume that each county auditor and authorized agent will similarly post a conspicuous notice *in the auditor's or agent's office* of an applicable administrative fee, surcharge, or convenience fee for payments of registration fees made by a financial transaction device, although that posting is not strictly required--only suggested--by the bill.

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**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

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