

Senate Bill 338

By: Senators Kirkpatrick of the 32nd, Black of the 8th, Walker III of the 20th, Cowser of the 46th, Anderson of the 24th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to animal protection, so as to provide for annual license
3 fees; to authorize the Commissioner to promulgate rules and regulations; to provide for
4 applicants to submit a criminal background check; to provide for surety; to provide for
5 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to
9 general provisions relative to animal protection, is amended in Code Section 4-11-2, relating
10 to definitions, by revising paragraph (7) as follows:

11 "(7) 'Pet dealer' or 'pet dealership' means any person who sells, offers to sell, exchanges,
12 or offers for adoption dogs, cats, birds, ~~fish~~, reptiles, or other animals customarily
13 obtained as pets in this state. However, a person who sells only animals that he or she has
14 produced and raised, not to exceed ~~30~~ 20 animals a year, shall not be considered a pet
15 dealer under this article unless such person is licensed for a business by a local
16 government or has a Georgia sales tax number. The Commissioner may with respect to
17 any breed of animals decrease the ~~30~~ 20 animal per year exception in the foregoing
18 sentence to a lesser number of any animals for any species that is commonly bred and
19 sold for commercial purposes in lesser quantities. Operation of a veterinary hospital or
20 clinic by a licensed veterinarian shall not constitute the veterinarian as a pet dealer,
21 kennel, or stable under this article."

SECTION 2.

22
23 Said article is further amended in Code Section 4-11-3, relating to licenses for pet dealers and
24 kennel, stable, or animal shelter operators, requirement, issuance, and application, by
25 revising subsection (c) and by adding two new subsections to read as follows:

26 "(c) Licenses shall be issued for a period of one year and shall be annually renewable. The
27 Commissioner may establish separate classes of licenses, including wholesale and retail
28 licenses. The Commissioner shall fix fees for licenses so that the revenue derived from
29 licenses shall approximate the total direct cost of administering this article. The
30 Commissioner may establish different fees for the different classes of licenses established,
31 but the annual fee for any such license shall be at least \$50.00 but shall not exceed \$400.00
32 \$800.00. The Commissioner may establish a fee tier within each class and may establish
33 rules and regulations by which to assign each licensed facility to the proper fee tier. Any
34 fees collected pursuant to this Code section shall be retained pursuant to the provisions of
35 Code Section 45-12-92.1."

36 "(f) Applicants for licenses shall submit to the Commissioner a current criminal
37 background check. No license shall be issued to any applicant that has been convicted of
38 a criminal offense involving cruelty to animals or dogfighting.

39 (g) The Commissioner shall require any applicant for a pet dealer license or animal shelter
40 license or any applicant for renewal thereof to make and deliver to the Commissioner a
41 surety of not less than \$7,500.00 nor more than \$500,000.00. The Commissioner may
42 consider the number of animals, level of risk, compliance history, and any other factor
43 deemed relevant by the Commissioner in establishing rules and regulations to set surety
44 amounts requirements.

45 (1) For purposes of this subsection, the term 'surety' means a letter of credit, certificate
46 of deposit, bond, or other written instrument issued or executed by a lending institution
47 or bonding, surety, or insurance company licensed to do business in this state and made
48 payable to the Commissioner.

49 (2) The Commissioner is authorized to call upon the surety of a licensee and utilize or
50 direct such funds as reasonably necessary to protect, ensure, and provide for the health
51 and welfare of animals when:

52 (A) The licensee is unable or unwilling to timely provide for the same;

53 (B) The licensee has ceased operations by order of the Commissioner;

54 (C) The licensee has ceased operations voluntarily and there are pending or outstanding
55 violations of this article or the rules promulgated pursuant thereto;

56 (D) The animals have been impounded from the licensee's facility pursuant to Code
57 Section 4-11-9.2; or

58 (E) The licensee is convicted of a criminal offense involving cruelty to animals or
59 dogfighting.

60 (3) If within 30 days the surety of a licensee is canceled, is called upon, or otherwise
61 becomes insufficient, as determined by the Commissioner, and is not replaced or
62 sufficiently increased, as directed by the Commissioner, then the license of such person
63 shall immediately be revoked by operation of law without notice or hearing.

64 (4) A surety shall not be required for any animal shelter operated by the state, a county,
65 a municipal corporation, or any other political subdivision of the state.

66 (5) This subsection shall not be construed to prohibit any agency's ability to utilize Code
67 Section 4-11-9.8."

68 **SECTION 3.**

69 All laws and parts of laws in conflict with this Act are repealed.