

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1403

BY: HUDSON and HAMILTON (Jeff)

AS INTRODUCED

AN ACT RELATING TO ANIMALS; STATING LEGISLATIVE
INTENT; AMENDING 4 O.S. 1981, SECTIONS 42.2, 42.3
AND 43, WHICH RELATE TO LAWFUL PRESENCE ON PROPERTY
OF OWNER OF DOG AND REGULATION AND CONTROL OF DOGS
RUNNING AT LARGE; PROVIDING THAT PRESENCE IS LAWFUL
WHEN TAKING CUSTODY OF ABANDONED ANIMAL;
ELIMINATING EXEMPTION OF RURAL AREAS OR CERTAIN
CITIES AND TOWNS FROM PURVIEW OF ACT; REQUIRING THE
BOARD OF COUNTY COMMISSIONERS TO REGULATE THE
RUNNING AT LARGE OF DOGS AND CATS IN EVERY COUNTY;
REQUIRING BOARD OF COUNTY COMMISSIONERS TO ASSESS
CERTAIN COSTS AGAINST OWNERS OF CERTAIN ANIMALS;
AUTHORIZING BOARD OF COUNTY COMMISSIONERS TO
INSTITUTE CIVIL PROCEEDINGS; REQUIRING BOARD OF
COUNTY COMMISSIONERS TO ESTABLISH COUNTYWIDE
REGISTRATION PROGRAM; SPECIFYING REQUIREMENTS OF
PROGRAM; AUTHORIZING BOARD OF COUNTY COMMISSIONERS
TO ESTABLISH RULES AND REGULATIONS; AMENDING 21
O.S. 1981, SECTIONS 1686, AS AMENDED BY SECTION 1,
CHAPTER 104, O.S.L. 1984, 1691, AS AMENDED BY
SECTION 2, CHAPTER 104, O.S.L. 1984, AND 1692, AS
AMENDED BY SECTION 3, CHAPTER 104, O.S.L. 1984 (21
O.S. SUPP. 1990, SECTIONS 1686, 1691 AND 1692),
WHICH RELATE TO ABANDONMENT OF ANIMALS; RAISING

FINE LIMITATIONS FOR VIOLATIONS OF LAW; AMENDING 59 O.S. 1981, SECTION 698.16, AS LAST AMENDED BY SECTION 15, CHAPTER 314, O.S.L. 1990 (59 O.S. SUPP. 1990, SECTION 698.16), WHICH RELATES TO ABANDONED ANIMALS; REQUIRING VETERINARIANS TO NOTIFY COUNTY ANIMAL CONTROL FACILITY OF NAME AND ADDRESS OF OWNERS OF CERTAIN ANIMALS; DEFINING TERMS; AUTHORIZING RETURN OF CERTAIN ANIMALS AND REFUND; AUTHORIZING EXCHANGE OF ANIMAL; AUTHORIZING RETENTION OF ANIMAL AND RECOVERY OF CERTAIN COSTS; SPECIFYING GUIDELINES FOR CALCULATING VALUE OF VETERINARY SERVICES AND REIMBURSEMENT; PROVIDING FOR REIMBURSEMENT OF CERTAIN COSTS; PROVIDING EXEMPTION IN CERTAIN CASES; ESTABLISHING TIME REQUIREMENTS FOR REFUND, REIMBURSEMENT AND PRESENTATION OF CERTIFICATION; AUTHORIZING PET SELLER TO MAKE INDEPENDENT VETERINARY EXAMINATION OF CERTAIN ANIMALS; PROVIDING THAT ACT SHALL NOT IMPAIR OTHER LEGAL REMEDIES; REQUIRING NONPREVAILING PARTY TO PAY COURT COSTS AND ATTORNEY FEES; DEFINING CERTAIN GROUNDS FOR CERTIFICATION BY VETERINARIAN; AUTHORIZING SELLERS AND CONSUMERS TO ALTER STATUTORY REMEDIES BY CONTRACT; REQUIRING CERTAIN PET SELLERS TO GIVE NOTICE AND INFORMATION TO CONSUMERS; SPECIFYING CONTENT OF INFORMATION; REQUIRING BOARD OF AGRICULTURE TO PRESCRIBE INFORMATION TO BE PROVIDED TO CERTAIN CONSUMERS UPON SALE; REQUIRING THE BOARD OF AGRICULTURE TO PRESCRIBE CERTIFICATION FORM; SPECIFYING CONTENTS OF CERTIFICATION; PROVIDING THAT CERTAIN ACTS BE CONSIDERED A VIOLATION OF THE OKLAHOMA CONSUMER PROTECTION ACT; MAKING CERTAIN ACTS REGARDING

OBTAINING FALSE REGISTRATION OR GIVING FALSE
PEDIGREE OF AN ANIMAL UNLAWFUL AND A MISDEMEANOR;
DEFINING TERMS; REQUIRING BOARD TO ENFORCE ACT AND
ESTABLISH PROCEDURES THROUGH REGULATION; REQUIRING
PET DEALERS TO OBTAIN CERTAIN LICENSE; SPECIFYING
PROCEDURES FOR OBTAINING LICENSE; REQUIRING CERTAIN
INSPECTIONS BY THE STATE BOARD OF AGRICULTURE;
REQUIRING APPLICATION FEES AND RENEWAL FEES;
PROVIDING FOR RENEWAL OF LICENSE; PROVIDING THAT
REVENUES DERIVED FROM CERTAIN FEES SHALL BE USED TO
ENFORCE ACT; SPECIFYING APPLICATION OF LICENSE TO
PREMISES; REQUIRING POSTING OF LICENSE; PROVIDING
FOR CIVIL LIABILITY IN CERTAIN INSTANCES; PROVIDING
FOR THE ASSESSMENT OF ADMINISTRATIVE PENALTIES;
AUTHORIZING RECOVERY OF COSTS OF INSPECTIONS FOR
REPEATED VIOLATIONS; REQUIRING PET DEALERS TO
OBTAIN CERTAIN PERMIT TO DO BUSINESS; DECLARING
CERTAIN VIOLATIONS OF ACT TO BE UNLAWFUL AND
PRESCRIBING PUNISHMENT; PROVIDING FOR CODIFICATION;
AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 521 of Title 4, unless there is
created a duplication in numbering, reads as follows:

It is the intent of the Legislature that the problem of
overpopulation of dogs and cats which leads to unwanted and
abandoned strays, which must be dealt with through euthanasia, shall
be addressed in a preventative manner.

It is also the intent of the Legislature to safeguard the health, safety and welfare of the public and to provide certain recourses to buyers of unhealthy or physically defective animals.

SECTION 2. AMENDATORY 4 O.S. 1981, Section 42.2, is amended to read as follows:

Section 42.2 For the purpose of Section 42.1 of this act title a person shall be considered to be lawfully upon the private property of the owner of a dog when he is on such property in the performance of any duty imposed upon him by the laws of this state, or by the laws of the United States, or the postal regulations of the United States, or when taking custody of an abandoned animal pursuant to Section 1686 of Title 21 of the Oklahoma Statutes, or when reading meters, or making repairs to any public utility or service located on said premises, or when working on said property at the request of the owner or any tenant having a lease upon any portion of said property, or when on such property upon the invitation, either expressed or implied, of the owner or lessee of such property. ~~The term "public place" shall, for the purpose of this act, mean and include any and all public buildings, parks, playgrounds and recreational facilities, and any and all places of business, amusement or entertainment which are privately owned, wherein merchandise, property, services, entertainment or facilities are offered for sale, hire, lease, or use.~~

SECTION 3. AMENDATORY 4 O.S. 1981, Section 42.3, is amended to read as follows:

Section 42.3 ~~Provided that this act shall not apply to rural areas of this state or to any cities or towns that do not have city or village United States mail delivery service. Provided, nothing herein~~ Nothing in Section 42.2 of this title shall be construed as diminishing any right or liability for injury by dog bites now existing under the laws of this state.

SECTION 4. AMENDATORY 4 O.S. 1981, Section 43, is amended to read as follows:

Section 43. A. The board of county commissioners of ~~any every~~ county ~~with a population of two hundred thousand (200,000) or more according to the last Federal Decennial Census may~~ shall regulate ~~or~~ and prohibit the running at large of dogs and cats within said county, and shall cause such dogs and cats as may be running at large to be impounded and disposed of as otherwise provided for by law or sold to discharge ~~the costs and penalties provided for the violation of such prohibition and~~ the expense of impounding and keeping the same for such sale; ~~and may.~~ The board of county commissioners shall also provide for the erection of all needful pens, pounds and buildings for the use of ~~said~~ the county at any place within said county. It shall be the duty of the board of county commissioners ~~of any county undertaking the regulation and taxation of dogs in said county under this act~~ to establish and enforce rules governing the ~~same~~ regulation of dogs and cats in the county, and they shall enter into a definite cooperative agreement with the sheriff of ~~said~~ the county prescribing ~~said~~ rules and regulations and the manner and terms of enforcement thereof, and for the financing and compensation therefor.

B. The board of county commissioners ~~may~~ shall also regulate and provide for ~~taxing~~ the assessment of costs against the owners ~~and harborers~~ of dogs and cats, and ~~authorize~~ shall prescribe rules authorizing the humane killing ~~or~~ and disposal of stray dogs, found at large, contrary to any ordinance regulating the same and cats. The board of county commissioners shall be authorized to institute civil proceedings against the owner of a stray dog or cat to recover the costs of euthanasia of the animal and the costs of impounding and keeping the animal. Any person, firm or corporation who violates any rule or regulation made by such board of county commissioners under the authority of this act shall be guilty of a

misdemeanor and shall be punished as provided by the laws of this state in any court of competent jurisdiction, provided that in the case of continuing offenses, each day on which the offense occurs shall constitute a separate offense.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 43.1 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. The board of county commissioners of every county shall establish a countywide program for the one-time registration of every dog and cat within the county. The commissioners shall be authorized to establish a county sterilization program for the sexually intact dogs and cats of the county. The registration program adopted by the commissioners shall provide for a discount in any sterilization fee of animals which are sterilized by the county, in an amount equal to the registration fee. The program shall further provide that animals which have been sterilized by veterinarians other than through county sterilization services, shall not be required to obtain county registration, upon proper proof of sterilization of the animal.

B. The board of county commissioners shall be authorized to establish rules and regulations necessary to comply with the requirements of this section.

SECTION 6. AMENDATORY 21 O.S. 1981, Section 1686, as amended by Section 1, Chapter 104, O.S.L. 1984 (21 O.S. Supp. 1990, Section 1686), is amended to read as follows:

Section 1686. A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons said animal or who allows said animal to lie in a public street, road, or public place one (1) hour after said person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.

B. Any peace officer, animal control officer, or agent or officer of the Society for the Prevention of Cruelty to Animals or of any humane society duly incorporated for the purpose of the prevention of cruelty to animals may destroy or cause to be destroyed any animal found abandoned and for which no proper care has been given.

C. When any person who is arrested, and who is at the time of such arrest in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, animal control officer, or agent or officer of said humane societies may take custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where such arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.

D. For the purpose of the provisions of this section and Section 1691 of this title, the term abandon means the voluntary relinquishment of an animal with no intention to retain possession and shall include, but shall not be limited to, vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over said animal.

SECTION 7. AMENDATORY 21 O.S. 1981, Section 1691, as amended by Section 2, Chapter 104, O.S.L. 1984 (21 O.S. Supp. 1990, Section 1691), is amended to read as follows:

Section 1691. Any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal upon conviction, shall be guilty of a misdemeanor.

SECTION 8. AMENDATORY 21 O.S. 1981, Section 1692, as amended by Section 3, Chapter 104, O.S.L. 1984 (21 O.S. Supp. 1990, Section 1692), is amended to read as follows:

Section 1692. Any person found guilty of violating any of the provisions of Sections 1686, 1688, 1689 and 1691 of this title shall be punished by a fine in an amount not less than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both said fine and imprisonment.

SECTION 9. AMENDATORY 59 O.S. 1981, Section 698.16, as last amended by Section 15, Chapter 314, O.S.L. 1990 (59 O.S. Supp. 1990, Section 698.16), is amended to read as follows:

Section 698.16 A. Any animal placed in the custody of a licensed veterinarian for treatment or other care which shall be abandoned by its owner for a period of more than ten (10) days after written notice by certified mail is given to the owner at his or her last-known address may be sold by the veterinarian or turned over to the custody of the county animal control facility, or the nearest humane society ~~or~~ dog pound or animal shelter in the area for disposal as such ~~eustodian~~ facility may deem proper. ~~If no such eustodial institution is available in the county, the animal may be disposed of in a humane manner or sold.~~ Abandonment shall mean to forsake entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner. Compliance with this section shall relieve the veterinarian from liability for such disposal or sale.

B. Licensed veterinarians who have custody of any abandoned animal shall, prior to selling or disposing of such animal, send written notice to the county animal control facility of the name and last-known address of the owner.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 522 of Title 4, unless there is created a duplication in numbering, reads as follows:

As used in Sections 10 through Section 13 of this act:

1. "Animal" means a dog, puppy, cat or kitten;
2. "Consumer" means any individual purchasing an animal from a pet seller;
3. "Pet seller" means any person, firm, partnership, corporation or other association which sells an animal for consideration. The term "pet seller" shall not include a duly incorporated humane society dedicated to the care of unwanted animals or city or county animal shelter which:
 - a. makes animals available for adoption whether or not a fee for the adoption is charged, and
 - b. provides as part of their adoption program a procedure allowing the exchange of or refund of any fees paid for an animal that has been certified to have a visible and detectable congenital malformation or injury that adversely affects the health of the animal or has the presence of symptoms of a contagious or infectious disease pursuant to Section 11 of this act;
4. "Board" means the State Board of Agriculture; and
5. "Pedigreed animal" means a puppy, dog, cat or kitten whose ancestral lineage has been recorded with any club, association, society or company to ensure the purity of the breed and which is registered or is capable of being registered with such club, association, society or company.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 523 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by subsection I of this section, if within ten (10) days following the sale of an animal, a

veterinarian designated by the consumer and licensed by the state certifies in writing that the animal, at the time of the examination, has a visible and detectable congenital malformation or injury which adversely affects the health of the animal, or has the presence of symptoms of a contagious or infectious disease, the pet seller shall afford the consumer the right to choose one of the following remedies:

1. The right to return the animal and to receive a refund of the purchase price including any sales tax paid;

2. The right to return the animal and to receive an exchange animal of the consumer's choice of equivalent value; or

3. The right to retain the animal and to receive reimbursement from the pet seller for the veterinary services of a licensed veterinarian who was designated by the consumer, rendered for the purpose of curing or attempting to cure the animal. The reasonable value of reimbursable services rendered to cure or attempting to cure the animal shall not exceed the purchase price of the animal including any sales tax paid. The value of the veterinary services is reasonable if comparable to the value of similar veterinary services rendered by other licensed veterinarians who are located in proximity to the treating veterinarian. Reimbursement pursuant to this paragraph shall not include any examination or diagnostic fees incurred for the initial diagnosis and examination of an animal or pedigreed animal.

B. The signature of a veterinarian on a certificate or the failure or refusal of a veterinarian to sign any certificate pursuant to the provisions of this section shall not be construed as a warranty as to the health or condition of the animal.

C. 1. The Board, by regulation, shall prescribe the content of and shall develop a form for the certification by a licensed veterinarian that an animal has a visible and detectable congenital malformation or injury which adversely affects the health of the

animal or has the presence of symptoms of a contagious or infectious disease. The certification shall include, but shall not be limited to:

- a. information which identifies the animal,
- b. the owner,
- c. the date, diagnosis of the animal, and the treatment recommended if any,
- d. the name of the examining veterinarian, and
- e. an estimate or the actual cost of the diagnosis and treatment.

2. The certificate shall contain a statement providing that the signature of the veterinarian on the certificate shall not be construed as a warranty of the health or condition of the animal.

3. The Board shall provide for the distribution of such forms to veterinarians.

D. A pet seller is not required to comply with the provisions of paragraph 1, 2 or 3 of subsection A of this section if the animal has sustained an injury or contracted a contagious or infectious disease subsequent to the consumer taking possession of such animal.

E. The refund, exchange or reimbursement required by subsection A of this section shall be made by the pet seller no later than ten (10) business days following receipt of a certificate signed by the veterinarian. The certificate shall be presented to the pet seller no later than three (3) business days, excluding federal holidays, following receipt of the certificate by the consumer. If a consumer is prevented from presenting the certificate to the pet seller within three (3) days because the pet seller cannot be located or refuses the presentation, the presentation shall be considered complete if the consumer attempts to present the certification to the pet seller by certified mail within the three-day period.

F. If a pet seller wishes to contest a demand for refund, exchange or reimbursement made by a consumer pursuant to this

section, the seller shall have the right to require the consumer to produce the animal for examination by a licensed veterinarian designated by the seller. The cost of the examination shall be paid by the pet seller.

G. The remedies provided by this section shall not limit any rights or remedies which are otherwise available to a consumer or seller under any other law. Unless otherwise provided by law, court costs and attorney fees shall be paid by the nonprevailing party in a civil suit in a court of competent jurisdiction.

H. A veterinary finding of intestinal parasites shall not be grounds for certifying that the animal has a congenital malformation, injury or the presence of symptoms of a contagious or infectious disease unless the animal is clinically ill due to the condition.

I. The pet seller and the consumer may by written contract alter the provisions of subsection A of this section. Any contract which provides remedies to a consumer which are different from the remedies provided in subsection A of this section shall make reference to the consumer's remedies provided by this section and shall provide a place within the contract for the consumer to waive his right to the remedies provided by subsection A of this section.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 524 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. 1. Every pet seller who sells a pedigreed animal shall provide at the time of sale to the consumer the following information in writing to the consumer:

- a. a physical description of the animal;
- b. the breed of the animal;
- c. the date and amount of purchase;
- d. the name, address, and telephone number of the pet seller and the consumer;

- e. whether the animal has received any vaccinations and if so, the type of vaccinations given and by whom; and
- f. a listing of the rights provided to a consumer pursuant to Section 11 of this act.

2. The pet seller and the consumer shall sign the document.

B. The State Board of Agriculture, by regulation, shall prescribe the content of and develop a form for the information required by subsection A of this section.

C. 1. It shall be a violation of the Oklahoma Consumer Protection Act for a pet seller to include in the information required to be given to a consumer pursuant to this section, any false or misleading statement regarding the information contained therein.

2. Failure by a pet seller to provide the information to a consumer as required by the provisions of this section shall constitute a breach of the sales contract by the pet seller which entitles a consumer to return any animal so purchased and to a refund from the pet seller of the purchase price of the animal at any time.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 525 of Title 4, unless there is created a duplication in numbering, reads as follows:

Any person who by any false pretense shall obtain from any club, association, society or company, for improving the breed of any puppy, dog, kitten, or cat, the registration of any such animal, or transfer any such registration, and every person who shall knowingly give a false pedigree of any animal, shall be deemed guilty of a misdemeanor.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-310 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in this section and Sections 15 through 17 of this act:

1. "Animal" means a puppy, dog or a kitten or a cat;

2. "Pet dealer" means any person, firm, partnership, corporation or other association which engages in the sale, breeding, or distribution of animals in this state for consideration and who owns four (4) or more sexually intact female animals of at least one species. The term "pet dealer" shall not include:

- a. any duly incorporated humane societies dedicated to the care of unwanted animals or city or county animal shelters which make animals available for adoption whether or not a fee for the adoption is charged, and
- b. a person, firm, partnership, corporation or other association which in the ordinary course of business engages in the sale or distribution of animals which are registered with a national association which provides for the inspection of such registered animals and facilities of member breeders. The Board shall determine which national organizations meet the requirement of providing for such inspections; and

3. "Board" means the State Board of Agriculture.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-311 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. No pet dealer shall sell, breed or distribute animals in this state without a registration on file with the Board pursuant to the provisions of this section.

B. Until June 30, 1992, the Board shall provide for the registration of pet dealers.

C. The registration shall include:

- 1. the name and address of the pet dealer;
- 2. the type and number of animals maintained by the pet dealer;
- 3. the names of persons supplying animal stock to the pet

dealer; or

4. such other information determined to be necessary by the Board.

D. A registration fee of Five Dollars (\$5.00) shall accompany the registration.

E. The Board shall have the power and duty to promulgate rules necessary to implement the provisions of this section.

F. No pet dealer shall purchase an animal from or sell an animal to another pet dealer unless both pet dealers are registered with the Board.

G. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail or by both such fine and imprisonment.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-312 of Title 2, unless there is created a duplication in numbering, reads as follows:

Beginning July 1, 1992, the State Board of Agriculture shall:

1. administer and enforce the provisions of Section 17 of this act;

2. issue, renew, deny, modify or revoke licenses issued pursuant to the provisions of Section 17 of this act;

3. enter upon any public or private property for the purpose of inspecting and investigating conditions of animals or for the purpose of investigating any place animals are kept by a pet dealer for compliance with the provisions of Section 17 of this act;

4. report to the district attorney having jurisdiction or the Attorney General any act committed by a pet seller which may constitute a misdemeanor pursuant to Section 17 of this act;

5. establish administrative penalties for violations of the provisions of Section 16 of this act or any rule promulgated pursuant thereto;

6. institute and maintain or intervene in any action or proceeding where deemed necessary by the Board to protect the health and safety of the public;

7. adopt regulations and standards for the breeding, raising, and sale of animals by pet dealers in this state;

8. require certain sales records to be kept by pet dealers;

9. provide for notice and hearing; and

10. exercise all incidental powers as necessary and proper for the administration of Section 17 of this act.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-313 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall not become effective until July 1, 1992.

B. Each pet dealer shall make application and secure a pet dealer's license from the State Board of Agriculture authorizing the transaction of such business. The license shall be required of every pet dealer selling, breeding or distributing animals in this state whether the dealer is a resident or a nonresident of the state.

C. Upon receipt of the application and payment of required application fees, the Board shall cause a sanitation and safety inspection to be made of all animals, together with all the grounds, fields, buildings, appurtenances and other facilities connected to or used for purposes of breeding, housing or selling such animals. If the Board finds, upon investigation, that the statements made in the application are true and that the premises and animals so inspected equal or exceed standards promulgated by the Board, the Board shall issue to the pet dealer a pet dealer's license, which unless renewed, shall expire one (1) year from the date of issuance. The pet dealer shall pay a Fifty Dollar (\$50.00) application fee.

D. Licenses may be renewed for a period of one (1) year upon proper application to the Board and the payment of a Fifty Dollar (\$50.00) renewal fee for the license and annual inspection. The Board shall cause an inspection to be made of the premises and animals of each pet dealer receiving a renewal license, within the one-year renewal period.

E. The Board may charge a fee not to exceed Twenty-five Dollars (\$25.00) for any reinspection required for any violation of the provisions of this section or rule promulgated pursuant to the provisions of this section.

F. The revenues derived from the payment of application fees, annual license fees, and renewal fees shall be used by the Board for the administration and enforcement of this section.

G. The pet dealer's license required by this section shall specify the premises or place to which the license applies. All persons who are pet dealers shall apply for and be issued a separate license for each place of business within the state, and each license shall apply only to the place and address for which the license is issued. Pet dealers who have received a pet dealer's license shall post the license upon the premises so licensed.

H. Any person, firm, partnership, corporation or other association who fails, refuses or neglects to obtain a license to operate or to do business as a pet dealer and who is operating as a pet dealer in this state without first obtaining a license and paying any required fees, shall be civilly liable to the State Board of Agriculture for all such fees and charges. Any person violating the provisions of this section or any regulation promulgated by the Board pursuant to this section shall be assessed administrative penalties in accordance with Section 11-1 of Title 2 of the Oklahoma Statutes. The Board shall be authorized to recover the costs of inspections required by this section from any pet dealer after a third consecutive inspection reveals violations of this section.

I. Pet dealers who have been issued a pet dealer's license pursuant to this section shall also acquire a permit to do business pursuant to Section 1364 of Title 68 of the Oklahoma Statutes.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-314 of Title 2, unless there is created a duplication in numbering, reads as follows:

Every person who violates any of the provisions of Section 16 of this act shall upon conviction, be guilty of a misdemeanor which shall be punishable by imprisonment in the county jail not to exceed one (1) year or by a fine not exceeding One Thousand Dollars (\$1,000.00) or both such fine and imprisonment.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-315 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this act shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned not more than three (3) years, or both such fine and imprisonment.

B. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon shall be fined not more than Ten Thousand Dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both such fine and imprisonment.

C. Whoever kills any person while engaged in or on account of the performance of his official duties under this act shall be punished as provided under Section 691 of Title 21 of the Oklahoma Statutes.

SECTION 20. This act shall become effective September 1, 1991.

43-1-5265

KVR

