



## 2003 ASSEMBLY BILL 536

September 25, 2003 - Introduced by Representatives BALOW, J. WOOD, LOTHIAN, OTT, KREIBICH, KRAWCZYK, LADWIG, RICHARDS, UNDERHEIM, COGGS, ZEPNICK, TAYLOR, WEBER, MOLEPSKE, VAN AKKEREN, PLOUFF, AINSWORTH, GRONEMUS, POCAN, CULLEN, STEINBRINK, STONE, SINICKI, LOEFFELHOLZ, SHILLING, BOYLE, M. LEHMAN, VAN ROY and OLSEN, cosponsored by Senators ROESSLER, LEIBHAM, KANAVAS, RISSER, M. MEYER, BRESKE, CARPENTER, CHVALA, WIRCH, PLALE and HANSEN. Referred to Committee on Agriculture.

1     **AN ACT to amend** 20.115 (2) (j), 174.05 (2), 174.053 (1), 174.07 (3) (c) and 174.09  
2           (1); and **to create** 173.41 of the statutes; **relating to:** pet dealers, kennels,  
3           animal shelters, dog licensing, granting rule-making authority, making an  
4           appropriation, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill requires persons who breed and sell dogs or cats for resale (pet breeders), persons who operate pet stores selling mammals as pets (pet dealers), and persons who operate kennels and animal shelters to have licenses from the Department of Agriculture, Trade and Consumer Protection (DATCP) beginning on February 1, 2004. The bill requires DATCP to inspect each location for which a license is required before issuing a license, except that DATCP may issue an interim license for the period before it makes the initial inspection, and authorizes DATCP to make inspections at other reasonable times. The bill authorizes DATCP to promulgate rules that specify minimum standards for animal shelters and kennel facilities and facilities at which pet breeders and pet dealers operate and that specify requirements for humane care to be provided by persons who are required to be licensed. The bill provides criminal penalties for persons who operate without a required license and forfeitures (civil monetary penalties) for other violations of the provisions concerning pet breeders, pet dealers, kennels, and animal shelters.

Under current law, the minimum dog license fee is \$3 for a neutered or spayed dog and \$8 for a dog that is not neutered or spayed. A city, village, town, or county may impose a higher fee. Under this bill, the minimum dog license fee is increased

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to \$5.50 for a neutered or spayed dog and \$10.50 for a dog that is not neutered or spayed. Under current law, a county treasurer is required to pay 5% of the minimum dog license fee to this state. Under this bill, the county treasurer is required to pay \$2 to the state for each dog license issued.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 20.115 (2) (j) of the statutes, as affected by 2001 Wisconsin Act 16,  
2 is amended to read:

3           20.115 (2) (j) *Dog licenses, rabies control, and related services.* All moneys  
4 received under ss. 95.21 (9) (c), 173.27, ~~173.40~~ 173.41, and 174.09 (1), to provide dog  
5 license tags and forms under s. 174.07 (2), to perform other program responsibilities  
6 under ch. 174, to administer the rabies control program under s. 95.21, to help  
7 administer the rabies control media campaign, and to carry out activities under s.  
8 93.07 (11) and ch. 173.

9           **SECTION 2.** 173.41 of the statutes is created to read:

10           **173.41 Pet dealers, pet breeders, kennels, and animal shelters. (1)**

11           DEFINITIONS. In this section:

12           (a) “Adequate food” means wholesome food that is accessible to an animal, is  
13 appropriate for the type of animal, and is sufficient in amount to maintain the animal  
14 in good health.

15           (b) “Adequate water” means potable water that is accessible to an animal and  
16 is sufficient in amount to maintain the animal in good health.

17           (c) “Animal shelter” means any of the following:

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1           1. A facility that is used to impound or harbor at least 25 seized, stray,  
2 abandoned, or unwanted dogs, cats, or other animals in a year and that is operated  
3 by this state, a political subdivision, or a veterinarian licensed under ch. 453.

4           2. A facility that is operated for the purpose of providing for and promoting the  
5 welfare, protection, and humane treatment of animals, that is used to shelter at least  
6 25 animals in a year, and that is operated by a humane society, an animal welfare  
7 society, or a nonprofit association.

8           (d) "Humane care" includes the provision of adequate heating, cooling,  
9 ventilation, sanitation, shelter, and medical care consistent with the normal  
10 requirements of an animal's size, species, and breed, adequate food, and adequate  
11 water.

12           (e) "Kennel" means a facility where dogs or cats are kept for 24 hours or more  
13 for boarding, training, or similar purposes for compensation, except that "kennel"  
14 does not include any of the following:

15           1. An animal shelter.

16           2. A facility owned or operated by a veterinarian licensed under ch. 453 where  
17 animals are boarded only in conjunction with the provision of veterinary care.

18           (em) "Livestock" means cattle, horses, swine, sheep, goats, deer, llamas, and  
19 related species, including game species.

20           (f) "Nonprofit association" means an incorporated or unincorporated  
21 organization consisting of 3 or more members joined by mutual consent for a  
22 common, nonprofit purpose.

23           (fm) "Pet breeder" means a person who sells or offers to sell at least 25 dogs or  
24 cats for resale as pets in a year, except that "pet breeder" does not include a pet dealer.

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1 (g) “Pet dealer” means a person who sells, or offers to sell at retail, exchanges,  
2 or offers for adoption at least 25 mammals, other than livestock, as pets in a year.

3 **(2) LICENSE REQUIRED.** (a) Except as provided in par. (c), no person may operate  
4 an animal shelter or kennel without a license from the department. A person shall  
5 obtain a license under this paragraph for each separate location at which the person  
6 operates an animal shelter or kennel.

7 (b) Except as provided in par. (c), no person may act as a pet dealer or pet  
8 breeder without a license from the department. A person shall obtain a license under  
9 this paragraph for each separate location at which the person conducts business as  
10 a pet dealer or pet breeder.

11 (c) The department may issue an interim permit that authorizes a person to  
12 operate an animal shelter or kennel or to act as a pet dealer or pet breeder until the  
13 department makes the initial inspection required under sub. (4) (a).

14 (d) Licenses issued under pars. (a) and (b) expire on October 31 of each  
15 even-numbered year.

16 (e) A license issued under par. (a) or (b) is not transferable.

17 **(3) LICENSE FEES.** The department shall promulgate rules specifying fees that  
18 must be paid by applicants for licenses under sub. (2). A fee paid under this  
19 subsection is not refundable if the department denies the license.

20 **(4) INSPECTIONS.** (a) The department shall inspect each location for which a  
21 person is required to obtain a license under sub. (2) before issuing the initial license  
22 and at least once during each biennial licensing period after the initial license period.

23 (b) In addition to the inspections required under par. (a), the department may  
24 enter and inspect a facility for which a person is required to obtain a license under  
25 sub. (2) at any reasonable time.

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1           **(5) RULES.** The department may promulgate rules that specify any of the  
2 following:

3           (a) Minimum standards for animal shelter and kennel facilities and facilities  
4 at which pet dealers and pet breeders operate.

5           (b) Minimum requirements for humane care to be provided by persons required  
6 to obtain licenses under sub. (2).

7           (c) Requirements relating to the transportation of animals by persons required  
8 to obtain licenses under sub. (2).

9           (d) Grounds for revocation of licenses issued under sub. (2).

10          (e) Grounds for the department to issue orders prohibiting a person required  
11 to be licensed under this section from selling or moving an animal.

12          (f) Minimum ages for the sale of animals by persons required to be licensed  
13 under sub. (2).

14          (g) Reinspection fees to be charged when an inspection by the department  
15 under this section reveals conditions that require correction and reinspection.

16          (h) Requirements for record keeping by persons required to be licensed under  
17 sub. (2).

18          (i) Requirements relating to space and opportunity for exercise to be provided  
19 to animals by persons required to be licensed under sub. (2).

20          **(6) PENALTIES.** (a) A person who operates without a license required under sub.  
21 (2) may be fined not more than \$10,000 or imprisoned for not more than 9 months  
22 or both.

23          (b) 1. Except as provided under par. (a), a person who violates this section or  
24 a rule promulgated under this section may be required to forfeit not more than \$1,000

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1 for the first offense and may be required to forfeit not less than \$200 nor more than  
2 \$2,000 for the 2nd or any subsequent offense within 5 years.

3 2. If a violation under subd. 1. involves the keeping of animals, each animal  
4 with respect to which the statute or rule is violated constitutes a separate violation.

5 **SECTION 3.** 174.05 (2) of the statutes is amended to read:

6 174.05 (2) TAX. The minimum dog license tax is \$~~3~~ \$5.50 for a neutered male  
7 dog or spayed female dog, upon presentation of evidence that the dog is neutered or  
8 spayed, and \$~~8~~ \$10.50 for an unneutered male dog or unspayed female dog, or  
9 one-half of these amounts if the dog became 5 months of age after July 1 of the license  
10 year.

11 **SECTION 4.** 174.053 (1) of the statutes is amended to read:

12 174.053 (1) MULTIPLE DOG LICENSE OPTION. Any person who keeps more than one  
13 dog may, instead of the license tax for each dog required by this chapter, apply to the  
14 collecting official for a multiple dog license for the keeping of the dogs. Such person  
15 shall pay for the license year a license tax of \$~~35~~ \$45.50 for 12 or fewer dogs and an  
16 additional \$~~3~~ \$5.50 for each dog in excess of 12. Upon payment of the required  
17 multiple dog license tax and upon presentation of evidence that all dogs over 5  
18 months of age are currently immunized against rabies, the collecting official shall  
19 issue the multiple dog license and a number of tags equal to the number of dogs  
20 authorized to be kept by the person.

21 **SECTION 5.** 174.07 (3) (c) of the statutes is amended to read:

22 174.07 (3) (c) *Reimbursement.* The collecting official may retain ~~25~~ 75 cents,  
23 or a greater amount established by the county board by ordinance or resolution, for  
24 each license issued as compensation for the service, if the collecting official is not a  
25 full-time, salaried municipal employee. If the collecting official is a full-time,

