

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2829/P1dn
RCT:lmk:sh

July 20, 2007

This is a preliminary version of the draft relating to the sale of dogs. I was uncertain of exactly what was wanted in some respects (for example, which portions of the New Jersey legislation were wanted) so please review the draft carefully.

The draft requires anyone who sells a dog as a pet to provide certain information to the purchaser and also requires a person who sells a dog for resale (like a breeder selling a dog to a pet store) to provide certain information. Please review proposed s. 173.37 (2) to determine whether this is the information that should be required and whether you want this to apply to everyone who sells a dog.

As drafted the "lemon law" provisions apply to anyone who sells a dog as a pet, without regard to how many dogs the person sells or whether the person is in the business of selling animals. It would apply, for example, if I sold my dog to someone else. Is that what is wanted? Note that under the bill, if I sold my dog and had not provided the purchaser with a notice about the remedies available under the lemon law, there would be no time limits on the purchaser to claim a remedy.

I modified the time limits under the New Jersey law so that a buyer has a week beyond the 14 or 180 day deadline (for the dog to die or get sick) to get a certification from a veterinarian and request a remedy. In some cases, it may be difficult for a pet owner to locate the seller within the time limits.

Do you want to provide DATCP with any positions to administer the provisions of this draft?

I included a delayed effective date of two years to give time for DATCP to promulgate rules and to issue licenses to dog breeders. Please let me know if you would prefer a different effective date.

Please contact me with any questions and redraft instructions.

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