S T A T E O F N E W Y O R K

1540

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PERALTA -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring all dogs and their owners to successfully complete basic obedience training

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 107 of the agriculture and markets law, as amended by chapter 473 of the laws of 1995, is amended to read as follows:

1. This article shall apply to all areas of the state except any city having a population of over two million, except that the provisions in this article relating to the animal population control program AND THE PROVISIONS OF SECTION ONE HUNDRED THIRTEEN-A OF THIS ARTICLE shall be applicable to the entire state.

S 2. Paragraph (d) of subdivision 1 of section 109 of the agriculture and markets law, as amended by chapter 645 of the laws of 1988, is amended to read as follows:

(d) The application shall be accompanied by the license fee prescribed by section one hundred ten of this article [and], a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision three of this section, AND, FOR OWNERS AND DOGS SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED THIRTEEN-A OF THIS ARTICLE, A CERTIFICATE OF SUCCESSFUL COMPLETION OF A BASIC OBEDIENCE COURSE. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the clerk or authorized dog control officer. In lieu of the spay or neuter certificate an owner may present a statement

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in paragraph (a) of subdivision one of section one hundred ten of this article.

S 3. Paragraph (d) of subdivision 2 of section 109 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, is amended to read as follows:

(d) The application shall be accompanied by the license fee prescribed by section one hundred ten of this article [and], a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision three of this section, AND, FOR OWNERS AND DOGS SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED THIRTEEN-A OF THIS ARTICLE, A CERTIFICATE OF SUCCESSFUL COMPLETION OF A BASIC OBEDIENCE COURSE.

S 4. The agriculture and markets law is amended by adding a new section 113-a to read as follows:

S 113-A. OBEDIENCE TRAINING; REQUIRED. 1. THE COMMISSIONER SHALL BY RULE OR REGULATION ESTABLISH REQUIREMENTS FOR BASIC OBEDIENCE COURSES FOR DOGS AND THEIR OWNERS WHICH MUST BE SUCCESSFULLY COMPLETED PURSUANT TO THIS SECTION. SUCH REQUIREMENTS SHALL INCLUDE INSTRUCTION FOR THE OWNER ON THE PRINCIPLES OF DOG TRAINING, AND INSTRUCTION ON AND PRACTICE OF OBEDIENCE TRAINING BY BOTH THE DOG AND ITS OWNER. FURTHERMORE, THE COMMISSIONER SHALL ESTABLISH MINIMUM REQUIREMENTS FOR THE SUCCESSFUL COMPLETION OF SUCH BASIC OBEDIENCE COURSES.

2. THE COMMISSIONER SHALL ESTABLISH REQUIREMENTS FOR DOG OBEDIENCE SCHOOLS WHICH ARE AUTHORIZED TO PROVIDE THE BASIC DOG OBEDIENCE COURSES FOR DOGS AND THEIR OWNERS AS REQUIRED BY THIS SECTION.

3. THE OWNER OF ANY DOG REACHING THE AGE OF ONE YEAR SHALL, ON OR BEFORE THE DATE SUCH DOG REACHES ONE YEAR OF AGE OR WITHIN ONE HUNDRED EIGHTY DAYS OF RECEIVING OWNERSHIP OF SUCH DOG, WHICHEVER SHALL BE LATER, SUCCESSFULLY COMPLETE, WITH HIS OR HER DOG, A BASIC OBEDIENCE COURSE.

4. UPON SUCCESSFUL COMPLETION OF A BASIC OBEDIENCE COURSE FOR DOGS AND THEIR OWNERS, THE DOG OBEDIENCE SCHOOL SHALL ISSUE A CERTIFICATE TO THE OWNER THAT HE OR SHE AND HIS OR HER DOG HAVE COMPLETED SUCH COURSE. UPON PRESENTATION OF SUCH A CERTIFICATE TO A LICENSING CLERK BY THE OWNER OF A DOG, SUCH CLERK SHALL ISSUE, FREE OF CHARGE, TO THE DOG OWNER A YELLOW METAL TAG WHICH SHALL BE AFFIXED TO A COLLAR ON THE DOG AT ALL TIMES. SUCH YELLOW METAL TAGS SHALL BE ISSUED TO LICENSING CLERKS BY THE DEPARTMENT.

S 5. Subdivision 1 of section 119 of the agriculture and markets law is amended by adding a new paragraph (d) to read as follows:

(D) ANY OWNER TO FAIL TO COMPLETE A BASIC OBEDIENCE COURSE WITH HIS OR HER DOG PURSUANT TO SECTION ONE HUNDRED THIRTEEN-A OF THIS ARTICLE;

S 6. This act shall take effect immediately, provided that sections two, three and five of this act and subdivision 3 of section 113-a of the agriculture and markets law, as added by section four of this act, shall take effect one year after this act shall have become a law.