

7140--A

Cal. No. 237

2011-2012 Regular Sessions

I N A S S E M B L Y

April 13, 2011

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law, in relation to fees collected for animal licenses

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

1 Section 1. Subdivisions 19 and 25 of section 108 of the agriculture
2 and markets law, subdivision 19 as added by chapter 220 of the laws of
3 1978 and subdivision 25 as added by chapter 170 of the laws of 1998, are
4 amended to read as follows:

5 19. "Recognized registry association" means any registry association
6 that operates on a nationwide basis[,] AND issues numbered registration
7 certificates [and keeps such records as may be required by the commis-
8 sioner].

9 25. "Working search dog" means any dog that is trained to aid in the
10 search for missing persons[,] AND is actually used for such purpose [and
11 is registered with the department; provided, however, that such services
12 provided by said dog shall be performed without charge or fee].

13 S 2. Subdivision 3 of section 109 of the agriculture and markets law,
14 as added by section 4 of part T of chapter 59 of the laws of 2010, is
15 amended to read as follows:

16 3. Municipalities may provide for the establishment and issuance of
17 purebred licenses and, in the event they do so, shall provide for the
18 assessment of a surcharge of at least three dollars for the purposes of
19 carrying out animal population control efforts as provided in section
20 one hundred seventeen-a of this article. MUNICIPALITIES WHICH ISSUE
21 PUREBRED LICENSES SHALL REMIT SUCH SURCHARGE COLLECTED TO THE COMMIS-
22 SIONER.

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

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1 S 3. Subdivision 3 of section 110 of the agriculture and markets law,
2 as added by section 5 of part T of chapter 59 of the laws of 2010, is
3 amended to read as follows:

4 3. In addition to the fee charged pursuant to subdivision one of this
5 section, all municipalities issuing dog licenses pursuant to this arti-
6 cle are required to provide for the assessment of an additional
7 surcharge of at least one dollar for altered dogs and at least three
8 dollars for unaltered dogs for the purposes of carrying out animal popu-
9 lation control efforts as provided in section one hundred seventeen-a of
10 this article. SUCH SURCHARGES SHALL BE SUBMITTED BY MUNICIPALITIES TO
11 THE COMMISSIONER.

12 S 4. Subdivision 4 of section 111 of the agriculture and markets law,
13 as amended by section 6 of part T of chapter 59 of the laws of 2010, is
14 amended to read as follows:

15 4. A municipality offering a license for any guide dog, service dog,
16 hearing dog or detection dog may issue a special tag for identifying
17 such dog, provided that such tag shall be in addition to the identifica-
18 tion tag required by subdivision one of this section. The municipality
19 may prescribe the shape, size, color, and form of imprint of the tag
20 which shall be a different color and shape than the standard identifica-
21 tion tag. [Upon application, the commissioner shall furnish such tags
22 without payment of a fee.]

23 S 5. Subdivision 4 of section 116 of the agriculture and markets law,
24 as amended by chapter 473 of the laws of 1995 and such section as renum-
25 bered by section 10 of part T of chapter 59 of the laws of 2010, is
26 amended to read as follows:

27 4. In no event shall any of the moneys or fees derived from, or
28 collected pursuant to, the provisions of this article except as provided
29 in [paragraph c of] subdivision [four] THREE of section one hundred ten
30 of this article and section one hundred seventeen-a of this article be
31 used to subsidize the spaying or neutering of cats.

32 S 6. Subdivision 10 of section 117 of the agriculture and markets law,
33 as added by chapter 220 of the laws of 1978 and such section as renum-
34 bered by section 12 of part T of chapter 59 of the laws of 2010, is
35 amended to read as follows:

36 10. The seizure of any dog shall not relieve any person from any
37 violation provided for by section one hundred [nineteen] EIGHTEEN of
38 this article.

39 S 7. Subdivision 6 of section 117-a of the agriculture and markets
40 law, as added by section 11 of part T of chapter 59 of the laws of 2010,
41 is amended to read as follows:

42 6. Any county which has created its own program, which has been
43 approved by the administrative entity pursuant to this section, may
44 receive the funds collected by the municipalities within the county
45 pursuant to SUBDIVISION THREE OF SECTION ONE HUNDRED NINE OF THIS ARTI-
46 CLE AND subdivision three of section one hundred ten of this article for
47 the sole purpose of administering such ANIMAL POPULATION CONTROL
48 program. Such county program shall be subject to this article and the
49 terms and conditions of the animal population control program, as may be
50 amended from time to time.

51 S 8. Paragraph (c) of subdivision 2 of section 122 of the agriculture
52 and markets law, as separately amended by chapters 714 and 843 of the
53 laws of 1980 and such section as renumbered by section 21 of part T of
54 chapter 59 of the laws of 2010, is amended to read as follows:

55 (c) provide for the issuance pursuant to the criminal procedure law of
56 an appearance ticket, or in lieu thereof, a uniform appearance ticket,

1 or in lieu thereof, a uniform appearance ticket and simplified informa-
2 tion, as provided in section one hundred [fourteen] THIRTEEN of this
3 article, by any dog control officer, peace officer, acting pursuant to
4 his special duties, or police officer, who is authorized by any munici-
5 pality to assist in the enforcement of this article for any such
6 violation.

7 S 9. This act shall take effect on the sixtieth day after it shall
8 have become a law.