



**House
Legislative
Analysis
Section**

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ANIMAL IDENTIFICATION ACT

**House Bill 4847 as introduced
First Analysis (3-22-94)**

**Sponsor: Rep. Carl F. Gnoldtke
Committee: Agriculture and Forestry**

THE APPARENT PROBLEM:

Michigan's current dog identification act, Public Act 309 of 1939, has been virtually unchanged for decades. It is very limited in scope in that it provides for the identification of dogs only, and allows for tattooing as the only mechanism for identification. Further, allowable fees have not kept pace with inflation. Legislation has been proposed to repeal the current act and to replace it with updated legislation. It is proposed that the identification program be expanded to include animals other than dogs, to provide for mechanisms of identification other than tattoos, and to adjust the rates of allowable fees.

THE CONTENT OF THE BILL:

The bill would repeal the existing dog identification act (Public Act 309 of 1939) and create in its place a new animal registration and identification act.

Currently, Public Act 309 of 1939 allows dog owners to apply to the Department of Agriculture (MDA) to have their dogs tattooed with a registration number on the dog's ear and on the inside of its rear leg. The Department of Agriculture (MDA) assigns a specific, and unduplicated, number when satisfied that the applicant for the registration number is the owner of the dog in question, and issues the owner an identification certificate. There is a \$1.00 application fee. The tattooing is done by people designated by the MDA, and the department decides the fee to be paid to the person doing the tattooing. The registration number assigned to the dog constitutes a title to the owner, and if the owner sells the dog, the seller must assign title to the buyer, who must then transmit the assignment to the department. Upon receiving a \$1.00 fee, the department then issues a title in the name of the buyer. The department keeps a permanent record of the name and address of the owners of registered dogs; the title number; and the name, breed, sex, and color of the dog. The act prohibits tattooing any number over the registration number and the duplication of any number assigned by the

department. Mutilation of tattooed registration numbers is a misdemeanor. Anyone stealing or keeping a dog registered under the act (and worth more than \$100) without reporting possession to the county sheriff within 48 hours after coming into possession of the dog is guilty of a misdemeanor punishable by a fine of not less than \$50 and imprisonment in the county jail for up to one year. Someone who finds a dog registered under the act can request the name and address of the owner from the department and is entitled to be paid, by the owner, 25 cents a day for boarding the dog.

The bill would create a new act allowing all animal owners, not just dog owners, to register their animals with the MDA and have a permanent identification number applied to the animal (either by tattooing on the inside of the animal's left rear thigh or by any other means approved by the department). It would raise the fees for participation in the program, limit the distribution of information gathered under the identification program, and change the penalty section to provide for community service, ticket writing, declaratory judgements, and injunctions.

"Identifiers." The bill would allow the MDA to designate individuals ("identifiers") who could apply registration numbers on the inside of an animal's left rear thigh or in a manner otherwise prescribed by the department as being appropriate for the species of animal and method of identification. The department would supply identifiers with registration numbers and application forms.

Registration numbers. Beginning on the effective date of the bill, an animal owner could apply to the MDA, on a form provided by the department, to have his or her animal identified by a registration number that would not be reassigned for 25 years. Both the owner and the identifier would have to complete the application form, which would have to include the following information:

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- * the owner's name, address, and telephone number;
- * the animal's name, species, breed, sex, and description;
- * the identifier's name, address, telephone number, and MDA designation number; and
- * a statement by the owner acknowledging that he or she was the bona fide owner of the animal in question.

Identification certificates. When an animal was registered or a title was assigned under the act, the department would have to issue an identification certificate to the animal's owner. The certificate, when validated by the department, would be proof of ownership and registration with the department.

Fees. The identifier would return applications to the MDA, along with a \$10 fee for each animal, or, in the case of litters of puppies or kittens less than 15 weeks old, \$10 per litter. The MDA also would establish a range of fees to compensate identifiers, though identifiers would not get more than the maximum fee designated by the director of the MDA for the application of an identification (i.e. \$10). Fees would have to be reviewed annually by the director to ensure their adequacy.

Fees received by the department under the bill would be deposited in the state general fund and appropriated to the department to implement the bill. If animal identification were done by a registered dog pound, all fees received by the pound for identifying animals under the bill would be paid to the treasury of the municipality or county where the pound was located. Any accumulated balance would be credited to the pound to defray costs incurred by the pound's participation in the identification program.

Assignment of title. The specific number assigned by the department to an animal would be the owner's title to the animal. When an owner of a registered animal sold (or otherwise disposed of) the animal, he or she would have to make a written assignment of title to the animal to the new owner. When an animal registered under the bill was bought, the buyer would have to immediately transmit the assignment of title and a fee of \$10 to the department. When the department received an

assignment of title, it would issue a title in the name of the new owner.

Records of registered animals. The department would have to keep a permanent record of the names and addresses of the owners of animals registered under the bill, as well as the number, name, species, breed, sex, and description of each registered animal. Upon request, the department would be required to furnish true copies of records to law enforcement agencies or dog pounds or animal shelters registered with the department under Public Act 287 of 1969 (the act regulating pet shops, dog pounds, and animal shelters). The department would be required to furnish individuals who had found registered animals with the name and telephone number of the owner or the department could notify the owner so that he or she could contact the finder.

Owners would be responsible for notifying the department of changes in their names, addresses, or telephone numbers, and the department would not be liable if an owner failed to so give notice.

The department would be allowed to contract with someone to keep this required information in order to allow 24-hour access to the information by law enforcement agencies, dog pounds, animal shelters, and people who found registered animals. The contract would have to specify that the information was otherwise confidential, and the contractor would have to release registration information directly to law enforcement agencies, dog pounds, and animal shelters in order to reunite lost or stolen animals with their owners. In the case of individuals finding animals identified under the bill, the contractor would have to immediately notify the owner so that he or she could contact the person who found his or her animal. The department would be prohibited from releasing information on owners or animals participating in the registration program except as allowed by the bill.

Boarding fees for found animals. Individuals who found and boarded an animal registered under the bill would be entitled to \$2 a day from the owner for boarding the animal. If the animal were kept in a licensed boarding facility, veterinary hospital, or registered animal shelter or dog pound, the facility would be entitled to its normal boarding fees from the animal's owner.

Violations and penalties. The bill would make it a misdemeanor to deface animals' identification numbers and prevent their identification, to duplicate an assigned registration number and use it to identify an animal, or to steal a registered animal or keep one for more than 48 hours without reporting it to the local animal control agency (if there is one) or the sheriff or local police. Stealing or keeping a registered animal in violation of the bill's provisions would be punishable by community service work for up to 250 hours, a fine of up to \$500, and imprisonment for up to 90 days.

Legal actions. Animal control officers, law enforcement officers, or the director of the department could issue appearance tickets for any misdemeanor violations of the bill, and, in addition, could obtain both declaratory judgments that a method, act, or practice was a violation of the bill and injunctions against anyone about to violate the bill.

Rules promulgation. The Department of Agriculture could promulgate rules to implement and enforce the bill.

FISCAL IMPLICATIONS:

According to the Department of Agriculture, the bill would have no fiscal impact on state or local government. (3-18-94)

ARGUMENTS:

For:

The existing dog identification act (Public Act 309 of 1939) is terribly outdated; there have been no substantive changes since its inception. The bill would create a new act allowing all animal owners, not just dog owners, to register their animals with the Department of Agriculture. The bill also would allow identification by a method other than tattooing, possibly by microchip, a new technology being used in some areas now. This would permit owners of more expensive animals (cattle and horses) to register their livestock with the MDA in an effort to protect their investment by facilitating the return or tracking of lost or stolen animals. By allowing the department this flexibility the bill would greatly enhance the department's ability to respond quickly and appropriately should some other technological method of identification become standardized.

Against:

Concern has been raised regarding the lack of uniformity of the newer tracking devices, especially the microchips, which vary from state to state and even within areas. Currently, there are three active vendors of microchips for use in animals in Michigan. Each brand of microchip transmits its own code and for all practical purposes can only be read by its own brand scanner. How are people to know which microchip to buy for their pet?

Response:

The bill would provide for rules to be promulgated by the Department of Agriculture, which would result in one manufacturer's microchips being adopted as the Michigan standard microchip. Many people are waiting until the Michigan standard is adopted before they buy a microchip for their pet.

POSITIONS:

The Department of Agriculture supports the bill. (3-17-94)

The Michigan Humane Society supports the bill. (3-18-94)

The Michigan Farm Bureau has no position on the bill. (3-21-94)

The Michigan Association of Counties has no position on the bill. (3-21-94)