



HOUSE BILL No. 4847

June 10, 1993, Introduced by Reps. Gnodtke, Dalman, Gernaat, Voorhees, Middleton and Gustafson and referred to the Committee on Agriculture and Forestry.

A bill to provide for the regulation, registration, and identification of animals; to provide for certain fees; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Animal" means any vertebrate animal, other than a human
3 being.

4 (b) "Department" means the department of agriculture.

5 (c) "Director" means the director of the department or his
6 or her authorized representative.

7 (d) "Identification" means a method of permanent
8 identification of an animal that is approved by the director.

1 (e) "Identifier" means an individual designated by the
2 director who applies identification as approved by the director
3 to an animal.

4 (f) "Municipality" means a city, village, or township.

5 (g) "Number" means a numeric code, or alphanumeric code, or
6 other code approved by the director, which is used to identify an
7 animal and register the animal with the department.

8 (h) "Owner" means a person having a right of property owner-
9 ship in an animal.

10 (i) "Person" means an individual, partnership, corporation,
11 association, or any other entity.

12 Sec. 2. Beginning on the effective date of this act, an
13 owner may have an animal identified with a registration number as
14 provided in this act. The owner of an animal who wishes to have
15 the animal identified with a registration number shall apply to
16 the director, on a form furnished by the director. The director
17 shall supply registration numbers and application forms to an
18 identifier. The director shall not reuse an assigned number for
19 25 years. The application form shall be completed by the owner
20 and the identifier. The application shall include the owner's
21 name, address, and telephone number, the animal's name, species,
22 breed, sex, and description, and the identifier's name, address,
23 telephone number, and designation number. In addition, the
24 application shall include a statement to be acknowledged by the
25 owner that he or she is the bona fide owner of the animal. The
26 numbers shall be applied by the identifier on the inside and
27 through the skin of the left rear thigh of the animal or in a

1 manner otherwise prescribed by the director as being appropriate
2 for the species of animal and method of identification. The
3 application for registration shall be promptly returned to the
4 department by the identifier accompanied by a fee of \$10.00 per
5 animal or \$10.00 for a litter of puppies or kittens that are
6 under 15 weeks of age at the time they are identified. The
7 director shall establish a range of fees to compensate
8 identifiers. An identifier shall receive for his or her services
9 an amount that does not exceed the maximum fee designated by the
10 director for the application of an identification. These fees
11 shall be reviewed by the director annually to assure their
12 adequacy.

13 Sec. 3. (1) The specific number assigned to an animal is
14 the owner of the animal's title to the animal, and upon the sale
15 or other disposition to a new owner of the animal, the owner
16 shall make a written assignment of title to the animal to the new
17 owner.

18 (2) Upon purchase of an animal registered under this act,
19 the purchaser shall immediately transmit the assignment of title
20 and a fee of \$10.00 to the director. Upon receipt of an assign-
21 ment of title, the director shall issue a title in the name of
22 the new owner of the animal.

23 Sec. 4. Upon the registration or assignment of title of an
24 animal pursuant to this act, the director shall issue to the
25 owner of the animal an identification certificate. The identifi-
26 cation certificate, when validated by the department, is proof of
27 ownership and registration with the department.

1 law enforcing agencies, dog pounds, animal shelters, and finders
2 of registered animals 24-hour a day access to the information.
3 The contract shall specify that the information is otherwise
4 confidential. The contractor shall release registration informa-
5 tion to law enforcing agencies, dog pounds, and animal shelters
6 in order to reunite a lost or stolen animal with its owner. In
7 the case of a person finding an animal identified pursuant to
8 this act, the contractor shall immediately notify the animal
9 owner so he or she may contact the finder of the animal.

10 (2) The department shall not release information on owners
11 or animals participating in this program except as described in
12 this act.

13 Sec. 8. (1) Fees received by the director under this act
14 shall be transmitted to the state treasury for deposit into the
15 general fund. These funds shall be appropriated to the depart-
16 ment to implement this act.

17 (2) When animal identification is performed by a dog pound
18 registered by the department pursuant to Act No. 287 of the
19 Public Acts of 1969, being sections 287.331 to 287.340 of the
20 Michigan Compiled Laws, all fees received by the dog pound under
21 this act for identifying animals shall be paid to the treasury of
22 the municipality or county in which the dog pound is located and
23 any accumulated balance shall be credited to the dog pound to
24 defray costs related to the identification program.

25 Sec. 9. (1) A person shall not alter an identification
26 number placed on an animal by an identifier so as to deface the
27 number and prevent identification of the animal.

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25 Sec. 9. (1) A person shall not alter an identification
26 number placed on an animal by an identifier so as to deface the
27 number and prevent identification of the animal.

1 (2) A person shall not duplicate a number and use it to
2 identify an animal if the number is used by the director for
3 identification under this act.

4 (3) A violation of this section is a misdemeanor.

5 Sec. 10. A person who takes without the consent of the
6 owner and without lawful authority an animal registered under
7 this act, or a person, except for an animal control officer, who
8 harbors or holds in his or her possession a stray animal that he
9 or she does not own, and does not report possession of the animal
10 to the animal control agency if there is one in the county or
11 municipality, or to the sheriff of the county or the police
12 department of the municipality in which he or she is holding the
13 animal, within 48 hours after coming into possession of the
14 animal, is guilty of a misdemeanor, punishable by imprisonment
15 for not more than 90 days, or a fine of not more than \$500.00, or
16 community service work for not more than 250 hours, or any combi-
17 nation of these penalties.

18 Sec. 11. Any animal control officer, law enforcement offi-
19 cer, or the director may issue an appearance ticket, as described
20 and authorized by sections 9a to 9g of chapter IV of the code of
21 criminal procedure, Act No. 175 of the Public Acts of 1927, being
22 sections 764.9a to 764.9g of the Michigan Compiled Laws, for any
23 violation of this act that is a misdemeanor.

24 Sec. 12. Notwithstanding the provisions of this act, an
25 animal control officer, a law enforcement officer, or the depart-
26 ment may bring an action to do 1 or more of the following:

1 (a) Obtain a declaratory judgment that a method, act, or
2 practice is a violation of this act.

3 (b) Obtain an injunction against a person who is engaging,
4 or about to engage, in a method, act, or practice that violates
5 this act.

6 Sec. 13. The department may promulgate rules for the imple-
7 mentation and enforcement of this act pursuant to the administra-
8 tive procedures act of 1969, Act No. 306 of the Public Acts of
9 1969, being sections 24.201 to 24.328 of the Michigan Compiled
10 Laws.

11 Sec. 14. Act No. 309 of the Public Acts of 1939, being sec-
12 tions 287.301 to 287.308 of the Michigan Compiled Laws, is
13 repealed.