

As Introduced

**126th General Assembly
Regular Session
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H. B. No. 606

**Representatives Hughes, Beatty, Webster, Stewart, D., Widowfield, Trakas,
McGregor, J., Combs, Yuko, Evans, C., Williams, Setzer, Stewart, J., Carano,
Hagan, Flowers, Coley, Distel, Blessing, Chandler, Hartnett, DeGeeter, Sayre,
Perry, Wolpert, Cassell, Skindell, Peterson, Strahorn, Smith, G., Seitz, Hoops,
Schaffer, Kilbane, Ujvagi**

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A B I L L

To amend sections 121.08, 301.28, 955.013, 955.03, 1
955.05, 955.07, 955.10, 955.12, 955.14, 955.20, 2
955.21, and 1901.183, to enact sections 4780.01 to 3
4780.18, 4780.20, 4780.98, and 4780.99, and to 4
repeal sections 955.02 and 955.04 of the Revised 5
Code to establish licensing requirements and 6
standards of care for commercial dog kennels, 7
commercial dog intermediaries, animal rescues, and 8
animal shelters. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.08, 301.28, 955.013, 955.03, 10
955.05, 955.07, 955.10, 955.12, 955.14, 955.20, 955.21, and 11
1901.183 be amended and sections 4780.01, 4780.02, 4780.03, 12
4780.04, 4780.05, 4780.06, 4780.07, 4780.08, 4780.09, 4780.10, 13
4780.11, 4780.12, 4780.13, 4780.14, 4780.15, 4780.16, 4780.17, 14
4780.18, 4780.20, 4780.98, and 4780.99 of the Revised Code be 15
enacted to read as follows: 16

Sec. 121.08. (A) There is hereby created in the department of 17
commerce the position of deputy director of administration. This 18
officer shall be appointed by the director of commerce, serve 19
under the director's direction, supervision, and control, perform 20
the duties the director prescribes, and hold office during the 21
director's pleasure. The director of commerce may designate an 22
assistant director of commerce to serve as the deputy director of 23
administration. The deputy director of administration shall 24
perform the duties prescribed by the director of commerce in 25
supervising the activities of the division of administration of 26
the department of commerce. 27

(B) Except as provided in section 121.07 of the Revised Code, 28
the department of commerce shall have all powers and perform all 29
duties vested in the deputy director of administration, the state 30
fire marshal, the superintendent of financial institutions, the 31
superintendent of real estate and professional licensing, the 32
superintendent of liquor control, the superintendent of the 33
division of industrial compliance, the superintendent of labor and 34
worker safety, ~~and~~ the commissioner of securities, and the 35
superintendent of the commercial kennel control authority and 36
shall have all powers and perform all duties vested by law in all 37
officers, deputies, and employees of those offices. Except as 38
provided in section 121.07 of the Revised Code, wherever powers 39
are conferred or duties imposed upon any of those officers, the 40
powers and duties shall be construed as vested in the department 41
of commerce. 42

(C)(1) There is hereby created in the department of commerce 43
a division of financial institutions, which shall have all powers 44
and perform all duties vested by law in the superintendent of 45
financial institutions. Wherever powers are conferred or duties 46
imposed upon the superintendent of financial institutions, those 47

powers and duties shall be construed as vested in the division of
financial institutions. The division of financial institutions
shall be administered by a superintendent of financial
institutions.

(2) All provisions of law governing the superintendent of
financial institutions shall apply to and govern the
superintendent of financial institutions provided for in this
section; all authority vested by law in the superintendent of
financial institutions with respect to the management of the
division of financial institutions shall be construed as vested in
the superintendent of financial institutions created by this
section with respect to the division of financial institutions
provided for in this section; and all rights, privileges, and
emoluments conferred by law upon the superintendent of financial
institutions shall be construed as conferred upon the
superintendent of financial institutions as head of the division
of financial institutions. The director of commerce shall not
transfer from the division of financial institutions any of the
functions specified in division (C)(2) of this section.

(D) There is hereby created in the department of commerce a
division of liquor control, which shall have all powers and
perform all duties vested by law in the superintendent of liquor
control. Wherever powers are conferred or duties are imposed upon
the superintendent of liquor control, those powers and duties
shall be construed as vested in the division of liquor control.
The division of liquor control shall be administered by a
superintendent of liquor control.

(E) The director of commerce shall not be interested,
directly or indirectly, in any firm or corporation ~~which~~ that is a
dealer in securities as defined in sections 1707.01 and 1707.14 of
the Revised Code, or in any firm or corporation licensed under
sections 1321.01 to 1321.19 of the Revised Code.

(F) The director of commerce shall not have any official 80
connection with a savings and loan association, a savings bank, a 81
bank, a bank holding company, a savings and loan association 82
holding company, a consumer finance company, or a credit union 83
that is under the supervision of the division of financial 84
institutions, or a subsidiary of any of the preceding entities, or 85
be interested in the business thereof. 86

(G) There is hereby created in the state treasury the 87
division of administration fund. The fund shall receive 88
assessments on the operating funds of the department of commerce 89
in accordance with procedures prescribed by the director of 90
commerce and approved by the director of budget and management. 91
All operating expenses of the division of administration shall be 92
paid from the division of administration fund. 93

(H) There is hereby created in the department of commerce a 94
division of real estate and professional licensing, which shall be 95
under the control and supervision of the director of commerce. The 96
division of real estate and professional licensing shall be 97
administered by a superintendent of real estate and professional 98
licensing. The superintendent of real estate and professional 99
licensing shall exercise the powers and perform the functions and 100
duties delegated to the superintendent under Chapters 4735., 101
4763., and 4767. of the Revised Code. 102

(I) There is hereby created in the department of commerce a 103
division of labor and worker safety, which shall have all powers 104
and perform all duties vested by law in the superintendent of 105
labor and worker safety. Wherever powers are conferred or duties 106
imposed upon the superintendent of labor and worker safety, those 107
powers and duties shall be construed as vested in the division of 108
labor and worker safety. The division of labor and worker safety 109
shall be under the control and supervision of the director of 110
commerce and be administered by a superintendent of labor and 111

worker safety. The superintendent of labor and worker safety shall 112
exercise the powers and perform the duties delegated to the 113
superintendent by the director under Chapters 4109., 4111., and 114
4115. of the Revised Code. 115

(J) The department of commerce or a division of the 116
department created by the Revised Code that is acting with 117
authorization on the department's behalf may request from the 118
bureau of criminal identification and investigation pursuant to 119
section 109.572 of the Revised Code, or coordinate with 120
appropriate federal, state, and local government agencies to 121
accomplish, criminal records checks for the persons whose 122
identities are required to be disclosed by an applicant for the 123
issuance or transfer of a permit, license, or certification issued 124
or transferred by the department or division. At or before the 125
time of making a request for a criminal records check, the 126
department or division may require any person whose identity is 127
required to be disclosed by an applicant for the issuance or 128
transfer of such a license, permit, or certification to submit to 129
the department or division valid fingerprint impressions in a 130
format and by any media or means acceptable to the bureau of 131
criminal identification and investigation and, when applicable, 132
the federal bureau of investigation. The department or division 133
may cause the bureau of criminal identification and investigation 134
to conduct a criminal records check through the federal bureau of 135
investigation only if the person for whom the criminal records 136
check would be conducted resides or works outside of this state or 137
has resided or worked outside of this state during the preceding 138
five years, or if a criminal records check conducted by the bureau 139
of criminal identification and investigation within this state 140
indicates that the person may have a criminal record outside of 141
this state. 142

In the case of a criminal records check under section 109.572 143

of the Revised Code, the department or division shall forward to 144
the bureau of criminal identification and investigation the 145
requisite form, fingerprint impressions, and fee described in 146
division (C) of that section. When requested by the department or 147
division in accordance with this section, the bureau of criminal 148
identification and investigation shall request from the federal 149
bureau of investigation any information it has with respect to the 150
person who is the subject of the requested criminal records check 151
and shall forward the requisite fingerprint impressions and 152
information to the federal bureau of investigation for that 153
criminal records check. After conducting a criminal records check 154
or receiving the results of a criminal records check from the 155
federal bureau of investigation, the bureau of criminal 156
identification and investigation shall provide the results to the 157
department or division. 158

The department or division may require any person about whom 159
a criminal records check is requested to pay to the department or 160
division the amount necessary to cover the fee charged to the 161
department or division by the bureau of criminal identification 162
and investigation under division (C)(3) of section 109.572 of the 163
Revised Code, including, when applicable, any fee for a criminal 164
records check conducted by the federal bureau of investigation. 165

Sec. 301.28. (A) As used in this section: 166

(1) "Financial transaction device" includes a credit card, 167
debit card, charge card, or prepaid or stored value card. 168

(2) "County expenses" includes fees, costs, taxes, 169
assessments, fines, penalties, payments, or any other expense a 170
person owes to a county office under the authority of a county 171
elected official other than dog registration ~~and kennel~~ fees 172
required to be paid under Chapter 955. of the Revised Code. 173

(3) "County elected official" includes the county auditor, 174
county treasurer, county engineer, county recorder, county 175
prosecuting attorney, county sheriff, and county coroner, and the 176
clerk of the court of common pleas, the clerk of a county-operated 177
municipal court, and the clerk of a county court. 178

(B) Notwithstanding any other section of the Revised Code and 179
except as provided in division (D) of this section, a board of 180
county commissioners may adopt a resolution authorizing the 181
acceptance of payments by financial transaction devices for county 182
expenses. The resolution shall include the following: 183

(1) A specification of those county elected officials who are 184
authorized to accept payments by financial transaction devices; 185

(2) A list of county expenses that may be paid for through 186
the use of a financial transaction device; 187

(3) Specific identification of financial transaction devices 188
that the board authorizes as acceptable means of payment for 189
county expenses. Uniform acceptance of financial transaction 190
devices among different types of county expenses is not required. 191

(4) The amount, if any, authorized as a surcharge or 192
convenience fee under division (E) of this section for persons 193
using a financial transaction device. Uniform application of 194
surcharges or convenience fees among different types of county 195
expenses is not required. 196

(5) A specific provision as provided in division (G) of this 197
section requiring the payment of a penalty if a payment made by 198
means of a financial transaction device is returned or dishonored 199
for any reason. 200

The board's resolution shall also designate the county 201
treasurer as an administrative agent to solicit proposals, within 202
guidelines established by the board in the resolution and in 203

compliance with the procedures provided in division (C) of this 204
section, from financial institutions, issuers of financial 205
transaction devices, and processors of financial transaction 206
devices, to make recommendations about those proposals to the 207
board, and to assist county offices in implementing the county's 208
financial transaction devices program. The county treasurer may 209
decline this responsibility within thirty days after receiving a 210
copy of the board's resolution by notifying the board in writing 211
within that period. If the treasurer so notifies the board, the 212
board shall perform the duties of the administrative agent. 213

If the county treasurer is the administrative agent and fails 214
to administer the county financial transaction devices program in 215
accordance with the guidelines in the board's resolution, the 216
board shall notify the treasurer in writing of the board's 217
findings, explain the failures, and give the treasurer six months 218
to correct the failures. If the treasurer fails to make the 219
appropriate corrections within that six-month period, the board 220
may pass a resolution declaring the board to be the administrative 221
agent. The board may later rescind that resolution at its 222
discretion. 223

(C) The county shall follow the procedures provided in this 224
division whenever it plans to contract with financial 225
institutions, issuers of financial transaction devices, or 226
processors of financial transaction devices for the purposes of 227
this section. The administrative agent shall request proposals 228
from at least three financial institutions, issuers of financial 229
transaction devices, or processors of financial transaction 230
devices, as appropriate in accordance with the resolution adopted 231
under division (B) of this section. Prior to sending any financial 232
institution, issuer, or processor a copy of any such request, the 233
county shall advertise its intent to request proposals in a 234
newspaper of general circulation in the county once a week for two 235

consecutive weeks. The notice shall state that the county intends
to request proposals; specify the purpose of the request; indicate
the date, which shall be at least ten days after the second
publication, on which the request for proposals will be mailed to
financial institutions, issuers, or processors; and require that
any financial institution, issuer, or processor, whichever is
appropriate, interested in receiving the request for proposals
submit written notice of this interest to the county not later
than noon of the day on which the request for proposals will be
mailed.

Upon receiving the proposals, the administrative agent shall
review them and make a recommendation to the board of county
commissioners on which proposals to accept. The board of county
commissioners shall consider the agent's recommendation and review
all proposals submitted, and then may choose to contract with any
or all of the entities submitting proposals, as appropriate. The
board shall provide any financial institution, issuer, or
processor that submitted a proposal, but with which the board does
not enter into a contract, notice that its proposal is rejected.
The notice shall state the reasons for the rejection, indicate
whose proposals were accepted, and provide a copy of the terms and
conditions of the successful bids.

(D) A board of county commissioners adopting a resolution
under this section shall send a copy of the resolution to each
county elected official in the county who is authorized by the
resolution to accept payments by financial transaction devices.
After receiving the resolution and before accepting payments by
financial transaction devices, a county elected official shall
provide written notification to the board of county commissioners
of the official's intent to implement the resolution within the
official's office. Each county office subject to the board's
resolution adopted under division (B) of this section may use only

the financial institutions, issuers of financial transaction 268
devices, and processors of financial transaction devices with 269
which the board of county commissioners contracts, and each such 270
office is subject to the terms of those contracts. 271

If a county office under the authority of a county elected 272
official is directly responsible for collecting one or more county 273
expenses and the county elected official determines not to accept 274
payments by financial transaction devices for one or more of those 275
expenses, the office shall not be required to accept payments by 276
financial transaction devices, notwithstanding the adoption of a 277
resolution by the board of county commissioners under this 278
section. 279

Any office of a clerk of the court of common pleas that 280
accepts financial transaction devices on or before July 1, 1999, 281
and any other county office that accepted such devices before 282
January 1, 1998, may continue to accept such devices without being 283
subject to any resolution passed by the board of county 284
commissioners under division (B) of this section, or any other 285
oversight by the board of the office's financial transaction 286
devices program. Any such office may use surcharges or convenience 287
fees in any manner the county elected official in charge of the 288
office determines to be appropriate, and, if the county treasurer 289
consents, may appoint the county treasurer to be the office's 290
administrative agent for purposes of accepting financial 291
transaction devices. In order not to be subject to the resolution 292
of the board of county commissioners adopted under division (B) of 293
this section, a county office shall notify the board in writing 294
within thirty days after March 30, 1999, that it accepted 295
financial transaction devices prior to January 1, 1998, or, in the 296
case of the office of a clerk of the court of common pleas, the 297
clerk has accepted or will accept such devices on or before July 298
1, 1999. Each such notification shall explain how processing costs 299

associated with financial transaction devices are being paid and 300
shall indicate whether surcharge or convenience fees are being 301
passed on to consumers. 302

(E) A board of county commissioners may establish a surcharge 303
or convenience fee that may be imposed upon a person making 304
payment by a financial transaction device. The surcharge or 305
convenience fee shall not be imposed unless authorized or 306
otherwise permitted by the rules prescribed by an agreement 307
governing the use and acceptance of the financial transaction 308
device. 309

If a surcharge or convenience fee is imposed, every county 310
office accepting payment by a financial transaction device, 311
regardless of whether that office is subject to a resolution 312
adopted by a board of county commissioners, shall clearly post a 313
notice in that office and shall notify each person making a 314
payment by such a device about the surcharge or fee. Notice to 315
each person making a payment shall be provided regardless of the 316
medium used to make the payment and in a manner appropriate to 317
that medium. Each notice shall include all of the following: 318

(1) A statement that there is a surcharge or convenience fee 319
for using a financial transaction device; 320

(2) The total amount of the charge or fee expressed in 321
dollars and cents for each transaction, or the rate of the charge 322
or fee expressed as a percentage of the total amount of the 323
transaction, whichever is applicable; 324

(3) A clear statement that the surcharge or convenience fee 325
is nonrefundable. 326

(F) If a person elects to make a payment to the county by a 327
financial transaction device and a surcharge or convenience fee is 328
imposed, the payment of the surcharge or fee shall be considered 329
voluntary and the surcharge or fee is not refundable. 330

(G) If a person makes payment by financial transaction device 331
and the payment is returned or dishonored for any reason, the 332
person is liable to the county for payment of a penalty over and 333
above the amount of the expense due. The board of county 334
commissioners shall determine the amount of the penalty, which may 335
be either a fee not to exceed twenty dollars or payment of the 336
amount necessary to reimburse the county for banking charges, 337
legal fees, or other expenses incurred by the county in collecting 338
the returned or dishonored payment. The remedies and procedures 339
provided in this section are in addition to any other available 340
civil or criminal remedies provided by law. 341

(H) No person making any payment by financial transaction 342
device to a county office shall be relieved from liability for the 343
underlying obligation except to the extent that the county 344
realizes final payment of the underlying obligation in cash or its 345
equivalent. If final payment is not made by the financial 346
transaction device issuer or other guarantor of payment in the 347
transaction, the underlying obligation shall survive and the 348
county shall retain all remedies for enforcement that would have 349
applied if the transaction had not occurred. 350

(I) A county elected official or employee who accepts a 351
financial transaction device payment in accordance with this 352
section and any applicable state or local policies or rules is 353
immune from personal liability for the final collection of such 354
payments. 355

Sec. 955.013. (A) As used in this section, "financial 356
transaction device" has the same meaning as in section 301.28 of 357
the Revised Code. 358

(B) A county auditor may establish procedures and take 359
actions that are necessary to allow for either or both of the 360
following: 361

(1) The registration of dogs ~~and kennels~~ under this chapter 362
via the internet; 363

(2) The payment of dog ~~and kennel~~ registration fees under 364
this chapter by financial transaction devices, including payment 365
by financial transaction devices via the internet. 366

Sec. 955.03. Any dog ~~which~~ that has been registered under 367
~~sections~~ section 955.01 ~~and 955.04~~ of the Revised Code and any dog 368
not required to be registered under ~~such sections~~ that section 369
shall be considered as personal property and have all the rights 370
and privileges and be subject to like restraints as other 371
livestock. 372

Sec. 955.05. After the thirty-first day of January of any 373
year, except as otherwise provided in section 955.012 or 955.16 of 374
the Revised Code, every person, immediately upon becoming the 375
owner, keeper, or harbinger of any dog more than three months of 376
age or brought from outside the state during any year, shall file 377
like applications, with fees, as required by section 955.01 of the 378
Revised Code, for registration for the current year. If ~~such~~ the 379
application is not filed and the fee paid, within thirty days 380
after ~~such~~ the dog is acquired, becomes three months of age, or is 381
brought from outside the state, the auditor shall assess a penalty 382
in an amount equal to the registration fee upon ~~such~~ the owner, 383
keeper, or harbinger, which ~~must~~ shall be paid with the 384
registration fee. 385

~~Every person becoming the owner of a kennel of dogs after the~~ 386
~~thirty first day of January of any year shall file like~~ 387
~~applications, with fees, as required by section 955.04 of the~~ 388
~~Revised Code, for the registration of such kennel for the current~~ 389
~~calendar year. If such application is not filed and the fee paid~~ 390
~~within thirty days after the person becomes the owner of such~~ 391

kennel, the auditor shall assess a penalty in an amount equal to 392
the registration fee upon the owner of such kennel. 393

Sec. 955.07. Upon the filing of the application for 394
registration required by ~~sections~~ section 955.01 and ~~955.04~~ of the 395
Revised Code and upon the payment of the registration fee and the 396
administrative fee, if applicable, the county auditor shall assign 397
a distinctive number to every dog ~~or dog kennel~~ described in the 398
application and shall deliver a certificate of registration 399
bearing the number to the owner of the dog ~~or dog kennel~~. A record 400
of all certificates of registration issued, together with the 401
applications for registration, shall be kept by the auditor in a 402
dog ~~and kennel~~ register for two years or until after an audit 403
performed by the auditor of state, whichever is later. This record 404
shall be open to the inspection of any person during reasonable 405
business hours. 406

Sec. 955.10. No owner of a dog, except a dog constantly 407
confined to a ~~registered~~ commercial dog kennel licensed under 408
Chapter 4780. of the Revised Code, shall fail to require the dog 409
to wear, at all times, a valid tag issued in connection with a 410
certificate of registration. A dog's failure at any time to wear a 411
valid tag shall be prima-facie evidence of lack of registration 412
and shall subject any dog found not wearing such a tag to 413
impounding, sale, or destruction. 414

The owner or operator of a commercial dog kennel shall obtain 415
a valid tag issued in connection with a certificate of 416
registration within thirty days of the birth or acquisition of a 417
dog. However, the tag need not be worn by the dog while it is kept 418
or confined at the commercial dog kennel. 419

Sec. 955.12. The board of county commissioners shall appoint 420
or employ a county dog warden and deputies in such number, for 421

such periods of time, and at such compensation as the board 422
considers necessary to enforce sections 955.01 to 955.27, 955.29 423
to 955.38, and 955.50 to 955.53 of the Revised Code. 424

The warden and deputies shall give bond in a sum not less 425
than five hundred dollars and not more than two thousand dollars, 426
as set by the board, conditioned for the faithful performance of 427
their duties. The bond or bonds may, in the discretion of the 428
board, be individual or blanket bonds. The bonds shall be filed 429
with the county auditor of their respective counties. The warden 430
and deputies shall make a record of all dogs owned, kept, and 431
harbored in their respective counties. They shall patrol their 432
respective counties and seize and impound on sight all dogs found 433
running at large and all dogs more than three months of age found 434
not wearing a valid registration tag, except any dog that wears a 435
valid registration tag and is: on the premises of its owner, 436
keeper, or harborer, under the reasonable control of its owner or 437
some other person, hunting with its owner or its handler at a 438
field trial, kept constantly confined in a ~~registered~~ commercial 439
dog kennel licensed under Chapter 4780. of the Revised Code, or 440
acquired by, and confined on the premises of, an institution or 441
organization of the type described in section 955.16 of the 442
Revised Code. A dog that wears a valid registration tag may be 443
seized on the premises of its owner, keeper, or harborer and 444
impounded only in the event of a natural disaster. If a dog warden 445
has reason to believe that a dog is being treated inhumanely on 446
the premises of its owner, keeper, or harborer, the warden shall 447
apply to the court of common pleas for the county in which the 448
premises are located for an order to enter the premises, and if 449
necessary, seize the dog. If the court finds probable cause to 450
believe that the dog is being treated inhumanely, it shall issue 451
such an order. The warden and deputies shall also investigate all 452
claims for damages to animals, fowl, or poultry reported to them 453
under section 955.29 of the Revised Code and assist claimants to 454

fill out the claim form therefor. They shall make weekly reports, 455
in writing, to the board in their respective counties of all dogs 456
seized, impounded, redeemed, and destroyed and of all claims for 457
damage to animals, fowl, or poultry inflicted by dogs. ~~The~~ 458

The wardens and deputies shall have the same police powers as 459
are conferred upon sheriffs and police officers in the performance 460
of their duties as prescribed by sections 955.01 to 955.27, 955.29 461
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 462
also have power to summon the assistance of bystanders in 463
performing their duties and may serve writs and other legal 464
processes issued by any court in their respective counties with 465
reference to enforcing ~~such~~ those sections. County auditors may 466
deputize the wardens or deputies to issue dog licenses as provided 467
in sections 955.01 and 955.14 of the Revised Code. ~~Whenever~~ 468

Whenever any person files an affidavit in a court of 469
competent jurisdiction that there is a dog running at large that 470
is not kept constantly confined either in a ~~registered~~ commercial 471
dog kennel licensed under Chapter 4780. of the Revised Code or on 472
the premises of an institution or organization of the type 473
described in section 955.16 of the Revised Code or that a dog is 474
kept or harbored in ~~his~~ the warden's jurisdiction without being 475
registered as required by law, the court shall immediately order 476
the warden to seize and impound the animal. Thereupon the warden 477
shall immediately seize and impound the dog complained of. The 478
warden shall give immediate notice by certified mail to the owner, 479
keeper, or harbinger of the dog seized and impounded by ~~him~~ the 480
warden, if the owner, keeper, or harbinger can be determined from 481
the current year's registration list maintained by the warden and 482
the county auditor of the county where the dog is registered, that 483
the dog has been impounded and that, unless the dog is redeemed 484
within fourteen days of the date of the notice, it may thereafter 485
be sold or destroyed according to law. If the owner, keeper, or 486

harborer cannot be determined from the current year's registration 487
list maintained by the warden and the county auditor of the county 488
where the dog is registered, the officer shall post a notice in 489
the pound or animal shelter both describing the dog and place 490
where seized and advising the unknown owner that, unless the dog 491
is redeemed within three days, it may thereafter be sold or 492
destroyed according to law. 493

Sec. 955.14. (A) Notwithstanding section 955.01 of the 494
Revised Code, a board of county commissioners by resolution may 495
increase dog ~~and kennel~~ registration fees in the county. The 496
amount of the fees shall not exceed an amount that the board, in 497
its discretion, estimates is needed to pay all expenses for the 498
administration of this chapter and to pay claims allowed for 499
animals, fowl, or poultry injured or destroyed by dogs. Such a 500
resolution shall be adopted not earlier than the first day of 501
February and not later than the thirty-first day of August of any 502
year and shall apply to the registration period commencing on the 503
first day of December of the current year and ending on the 504
thirty-first day of January of the following year, unless the 505
period is extended under section 955.01 of the Revised Code. Any 506
increase in fees adopted under this division shall be in ~~the ratio~~ 507
increments of two dollars ~~for a dog registration fee and ten~~ 508
~~dollars for a kennel registration fee.~~ 509

(B) Not later than the fifteenth day of October of each year, 510
the board of county commissioners shall determine if there is 511
sufficient money in the dog and kennel fund, after paying the 512
expenses of administration incurred or estimated to be incurred 513
for the remainder of the year, to pay the claims allowed for 514
animals, fowl, or poultry injured or destroyed by dogs. If the 515
board determines there is not sufficient money in the dog and 516
kennel fund to pay the claims allowed, the board shall provide by 517
resolution that all claims remaining unpaid shall be paid from the 518

general fund of the county. All money paid out of the general fund 519
for those purposes may be replaced by the board from the dog and 520
kennel fund at any time during the following year notwithstanding 521
section 5705.14 of the Revised Code. 522

(C) Notwithstanding section 955.20 of the Revised Code, if 523
dog ~~and kennel~~ registration fees in any county are increased above 524
two ~~and ten~~ dollars, ~~respectively~~, under authority of division (A) 525
of this section, then on or before the first day of March 526
following each year in which the increased fees are in effect, the 527
county auditor shall draw on the dog and kennel fund a warrant 528
payable to the college of veterinary medicine of the Ohio state 529
university in an amount equal to ten cents for each dog ~~and kennel~~ 530
registration fee received during the preceding year. The money 531
received by the college of veterinary medicine of the Ohio state 532
university under this division shall be applied for research and 533
study of the diseases of dogs, particularly those transmittable to 534
humans, and for research of other diseases of dogs that by their 535
nature will provide results applicable to the prevention and 536
treatment of both human and canine illness. 537

(D) The Ohio state university college of veterinary medicine 538
shall be responsible to report annually to the general assembly 539
the progress of the research and study authorized and funded by 540
division (C) of this section. The report shall briefly describe 541
the research projects undertaken and assess the value of each. The 542
report shall account for funds received pursuant to division (C) 543
of this section and for the funds expended attributable to each 544
research project and for other necessary expenses in conjunction 545
with the research authorized by division (C) of this section. The 546
report shall be filed with the general assembly by the first day 547
of May of each year. 548

(E) The county auditor may authorize agents to receive 549
applications for registration of dogs ~~and kennels~~ and to issue 550

certificates of registration and tags. If authorized agents are 551
employed in a county, each applicant for a dog ~~or kennel~~ 552
registration shall pay to the agent an administrative fee of 553
seventy-five cents in addition to the registration fee. The 554
administrative fee shall be the compensation of the agent. The 555
county auditor shall establish rules for reporting and accounting 556
by the agents. No administrative or similar fee shall be charged 557
in any county except as authorized by this division or division 558
(F) of this section. 559

(F) For any county that accepts the payment of dog ~~and kennel~~ 560
registration fees by financial transaction devices in accordance 561
with section 955.013 of the Revised Code, in addition to those 562
registration fees, the county auditor shall collect for each 563
registration paid by a financial transaction device one of the 564
following: 565

(1) An administrative fee of seventy-five cents or another 566
amount necessary to cover actual costs designated by the county 567
auditor; 568

(2) If the board of county commissioners adopts a surcharge 569
or convenience fee for making payments by a financial transaction 570
device under division (E) of section 301.28 of the Revised Code, 571
that surcharge or convenience fee; 572

(3) If the county auditor contracts with a third party to 573
provide services to enable registration via the internet as 574
provided ~~in section~~ in section 955.013 of the Revised Code, a 575
surcharge ~~of or~~ or convenience fee as agreed to between that third 576
party and the county for those internet registration services. Any 577
additional expenses incurred by the county auditor that result 578
from a contract with a third party as provided in this section and 579
section 955.013 of the Revised Code and that are not covered by a 580
surcharge or convenience fee shall be paid out of the allowance 581
provided to the county auditor under section 955.20 of the Revised 582

Code. 583

(G) The county auditor shall post conspicuously the amount of 584
the administrative fee, surcharge, or convenience fee that is 585
permissible under this section on the web page where the auditor 586
accepts payments for registrations made under division (B)(1) of 587
section 955.013 of the Revised Code, ~~if.~~ If any person chooses to 588
pay by financial transaction device, the administrative fee, 589
surcharge, or convenience fee shall be considered voluntary and is 590
not refundable. 591

Sec. 955.20. The registration fees provided for in sections 592
955.01 to 955.14 of the Revised Code and money transferred to the 593
county under section 4780.06 of the Revised Code constitute a 594
special fund known as "the dog and kennel fund." The fees shall be 595
deposited by the county auditor in the county treasury daily as 596
collected ~~and.~~ Money in the fund shall be used for the purpose of 597
defraying the cost of furnishing all blanks, records, tags, nets, 598
and other equipment, for the purpose of paying the compensation of 599
county dog wardens, deputies, poundkeepers, and other employees 600
necessary to carry out and enforce sections 955.01 to 955.261 of 601
the Revised Code, and for the payment of animal claims as provided 602
in sections 955.29 to 955.38 of the Revised Code, and in 603
accordance with section 955.27 of the Revised Code. The board of 604
county commissioners, by resolution, shall appropriate sufficient 605
funds out of the dog and kennel fund, not more than fifteen per 606
cent of which shall be expended by the auditor for registration 607
tags, blanks, records, and clerk hire, for the purpose of 608
defraying the necessary expenses of registering, seizing, 609
impounding, and destroying dogs in accordance with sections 955.01 610
to 955.27 of the Revised Code, and for the purpose of covering any 611
additional expenses incurred by the county auditor as authorized 612
by division (F)(3) of section 955.14 of the Revised Code. 613

If the funds so appropriated in any calendar year are found 614
by the board to be insufficient to defray the necessary cost and 615
expense of the county dog warden in enforcing sections 955.01 to 616
955.27 of the Revised Code, the board, by resolution so provided, 617
after setting aside a sum equal to the total amount of animal 618
claims ~~paid or~~ filed in that calendar year, or an amount equal to 619
the total amount of animal claims paid or allowed the preceding 620
year, whichever amount is larger, may appropriate further funds 621
for the use and purpose of the county dog warden in administering 622
those sections. 623

Money received by a county under section 4780.06 of the 624
Revised Code is subject to audit by the auditor of state. 625

Sec. 955.21. No owner, keeper, or harborer of a dog more than 626
three months of age, ~~nor owner of a dog kennel,~~ shall fail to file 627
the application for registration required by section 955.01 of the 628
Revised Code, nor shall ~~he~~ any such owner, keeper, or harborer 629
fail to pay the legal fee therefor. 630

Sec. 1901.183. In addition to jurisdiction otherwise granted 631
in this chapter, the environmental division of a municipal court 632
shall have jurisdiction within its territory in all of the 633
following actions or proceedings and to perform all of the 634
following functions: 635

(A) Notwithstanding any monetary limitations in section 636
1901.17 of the Revised Code, in all actions and proceedings for 637
the sale of real or personal property under lien of a judgment of 638
the environmental division of the municipal court, or a lien for 639
machinery, material, fuel furnished, or labor performed, 640
irrespective of amount, and, in those cases, the environmental 641
division may proceed to foreclose and marshal all liens and all 642
vested or contingent rights, to appoint a receiver, and to render 643

personal judgment irrespective of amount in favor of any party;

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(B) When in aid of execution of a judgment of the
environmental division of the municipal court, in all actions for
the foreclosure of a mortgage on real property given to secure the
payment of money, or the enforcement of a specific lien for money
or other encumbrance or charge on real property, when the real
property is situated within the territory, and, in those cases,
the environmental division may proceed to foreclose all liens and
all vested and contingent rights and proceed to render judgments,
and make findings and orders, between the parties, in the same
manner and to the same extent as in similar cases in the court of
common pleas;

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(C) When in aid of execution of a judgment of the
environmental division of the municipal court, in all actions for
the recovery of real property situated within the territory to the
same extent as courts of common pleas have jurisdiction;

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(D) In all actions for injunction to prevent or terminate
violations of the ordinances and regulations of any municipal
corporation within its territory enacted or promulgated under the
police power of that municipal corporation pursuant to Section 3
of Article XVIII, Ohio Constitution, over which the court of
common pleas has or may have jurisdiction, and, in those cases,
the environmental division of the municipal court may proceed to
render judgments, and make findings and orders, in the same manner
and to the same extent as in similar cases in the court of common
pleas;

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(E) In all actions for injunction to prevent or terminate
violations of the resolutions and regulations of any political
subdivision within its territory enacted or promulgated under the
power of that political subdivision pursuant to Article X of the
Ohio Constitution, over which the court of common pleas has or may

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have jurisdiction, and, in those cases, the environmental division 675
of the municipal court may proceed to render judgments, and make 676
findings and orders, in the same manner and to the same extent as 677
in similar cases in the court of common pleas; 678

(F) In any civil action to enforce any provision of Chapter 679
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 680
over which the court of common pleas has or may have jurisdiction, 681
and, in those actions, the environmental division of the municipal 682
court may proceed to render judgments, and make findings and 683
orders, in the same manner and to the same extent as in similar 684
actions in the court of common pleas; 685

(G) In all actions and proceedings in the nature of 686
creditors' bills, and in aid of execution to subject the interests 687
of a judgment debtor in real or personal property to the payment 688
of a judgment of the division, and, in those actions and 689
proceedings, the environmental division may proceed to marshal and 690
foreclose all liens on the property irrespective of the amount of 691
the lien, and all vested or contingent rights in the property; 692

(H) Concurrent jurisdiction with the court of common pleas of 693
all criminal actions or proceedings related to the pollution of 694
the air, ground, or water within the territory of the 695
environmental division of the municipal court, for which a 696
sentence of death cannot be imposed under Chapter 2903. of the 697
Revised Code; 698

(I) In any review or appeal of any final order of any 699
administrative officer, agency, board, department, tribunal, 700
commission, or other instrumentality that relates to a local 701
building, housing, air pollution, sanitation, health, fire, 702
zoning, or safety code, ordinance, or regulation, in the same 703
manner and to the same extent as in similar appeals in the court 704
of common pleas; 705

(J) With respect to the environmental division of the Franklin county municipal court, in any civil action to enforce a provision of Chapter 4780. of the Revised Code and to hear appeals from an adjudication hearing conducted under that chapter. 706
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Sec. 4780.01. As used in this chapter: 710

(A) "Adult dog" means a dog that is eight months of age or older. 711
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(B) "Animal rescue for dogs" means an individual or organization recognized by the department of commerce that keeps, houses, and maintains nine or more adult dogs and that is dedicated to the welfare, health, safety, and protection of dogs following the seizure or removal of dogs by a dog warden appointed under Chapter 955. of the Revised Code, by a humane society established under Chapter 1717. of the Revised Code, or by the department of commerce under this chapter, provided that the individual or organization does not operate for profit and does not sell dogs. 713
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(C) "Animal shelter for dogs" means a facility that keeps, houses, and maintains nine or more adult dogs and that is operated by a humane society established under Chapter 1717. of the Revised Code, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals. 723
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(D) "Breeding dog" means a dog that is maintained primarily for the purpose of reproduction, providing stud services, or whelping and that has produced at least one litter of puppies if it is a female dog or has provided stud services to produce at least one litter of puppies if it is a male dog. 730
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(E) "Commercial dog boarding kennel" means an establishment 735

that keeps, houses, and maintains nine or more adult dogs solely 736
for the purpose of providing shelter, care, and feeding of the 737
dogs in return for a fee or other consideration. 738

(F) "Commercial dog breeding kennel" means an establishment 739
that keeps, houses, and maintains nine or more adult dogs for the 740
purpose of breeding the dogs in return for a fee or other 741
consideration received through a sale, auction, exchange, or 742
lease. 743

(G) "Commercial dog intermediary" means a person who sells, 744
offers to sell, exchanges, auctions, or offers for adoption more 745
than twenty-four dogs annually in this state. "Commercial dog 746
intermediary" does not include an animal rescue for dogs, an 747
animal shelter for dogs, a humane society established under 748
Chapter 1717. of the Revised Code, a medical kennel for dogs, or a 749
research kennel for dogs. 750

(H) "Commercial dog kennel" means an establishment that 751
keeps, houses, and maintains nine or more adult dogs and that is 752
operated for the purpose of boarding, breeding, holding, 753
auctioning, or training dogs for a fee or other consideration. 754
"Commercial dog kennel" includes a commercial dog boarding kennel, 755
a commercial dog breeding kennel, and a commercial dog training 756
kennel. "Commercial dog kennel" does not include an animal rescue 757
for dogs, an animal shelter for dogs, a medical kennel for dogs, 758
or a research kennel for dogs. 759

(I) "Commercial dog training kennel" means an establishment 760
that keeps, houses, and maintains nine or more adult dogs for the 761
purpose of providing obedience or other training for the dogs for 762
a fee or other consideration. 763

(J) "Enclosure, crate, or cage" does not include an 764
enclosure, crate, or cage that is used during the transportation 765
of a dog. 766

(K) "Environmental division of the Franklin county municipal court" means the environmental division of the Franklin county municipal court created under section 1901.011 of the Revised Code. 767
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(L) "Medical kennel for dogs" means a facility that is maintained by a veterinarian and operated primarily for the treatment of sick or injured dogs. 771
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(M) "Pet store" means a retail store that sells dogs to the public. 774
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(N) "Puppy" means a dog that is under eight months of age. 776

(O) "Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes. 777
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(P) "Significant disease, illness, or injury" with respect to a dog means bordetella (kennel cough), tracheal bronchitis, brucellosis, pneumonia, upper respiratory infection, bronchitis, parasites, distemper, rabies, giardia, parvo virus, yoccidian, pyometria, demodicosis, or a disease, illness, or injury that exhibits symptoms such as coughing, difficulty breathing, difficulty walking, inability or unwillingness to eat, bloody stools, whimpering or howling, trembling, convulsions, bleeding, vomiting for more than one day, or diarrhea for more than one day. 779
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(Q) "Veterinarian" means a veterinarian licensed under Chapter 4741. of the Revised Code. 788
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Sec. 4780.02. There is hereby created in the department of commerce the commercial dog kennel control authority for the purpose of administering this chapter and rules adopted under it, as prescribed by the director of commerce and in accordance with this chapter, and ensuring the welfare and humane treatment of dogs and their offspring in accordance with this chapter and rules adopted under it. The director shall designate a superintendent as 790
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the head of the authority.

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Sec. 4780.03. The director of commerce shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:

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(A) Requirements and procedures governing commercial dog kennels, including the licensing and inspection of and record keeping by commercial dog kennels, in addition to the requirements and procedures established in this chapter. The rules shall require that a commercial dog breeding kennel be assigned a license number and that a commercial dog breeding kennel provide the license number and the applicable vendor number assigned by the department of taxation whenever it solicits business or it is solicited for business.

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(B) Requirements and procedures for conducting background investigations of each applicant for a license issued under section 4780.04 of the Revised Code in order to determine if the applicant has been convicted of or pleaded guilty to any of the violations specified in division (H) of that section. The rules shall provide that background investigations shall be conducted solely by the attorney general on behalf of the department of commerce. The rules shall establish procedures for annually updating background investigation information regarding an applicant after an initial background investigation has been conducted with respect to an initial application for a license submitted under that section.

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(C) Requirements and procedures governing commercial dog intermediaries, including the licensing of and record keeping by commercial dog intermediaries, in addition to the requirements and procedures established in this chapter. The rules shall require that a commercial dog intermediary be assigned a license number

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and that a commercial dog intermediary provide the license number 827
and the applicable vendor number assigned by the department of 828
taxation whenever it solicits business or it is solicited for 829
business. 830

(D) The form of applications for licenses issued under this 831
chapter and the information that is required to be submitted in 832
the applications; 833

(E) Requirements and procedures governing the submission to 834
the director of a surety bond with an application for a commercial 835
dog kennel license for a commercial dog kennel that has the 836
capacity to keep, house, and maintain more than fifteen adult dogs 837
in the following amounts: 838

(1) Five thousand dollars for commercial dog kennels with the 839
capacity to keep, house, and maintain at least sixteen adult dogs, 840
but not more than twenty-five adult dogs; 841

(2) Ten thousand dollars for commercial dog kennels with the 842
capacity to keep, house, and maintain at least twenty-six adult 843
dogs, but not more than fifty adult dogs; 844

(3) Fifty thousand dollars for commercial dog kennels with 845
the capacity to keep, house, and maintain more than fifty adult 846
dogs. 847

The rules shall require that the surety bond be submitted for 848
the purpose of ensuring that a commercial dog kennel complies with 849
this chapter and rules adopted under it and shall require that the 850
surety bond be subject to redemption by the state upon a 851
suspension or revocation of a commercial dog kennel license for 852
the purpose of paying for the maintenance and care of dogs that 853
are seized or otherwise impounded from the commercial dog kennel 854
in accordance with this chapter. 855

The rules may allow an applicant that is subject to the rules 856

adopted under this division to provide evidence of insurance 857
payable to the state in lieu of the submission of a surety bond. 858

(F) Requirements and procedures governing the licensing of 859
each animal rescue for dogs and animal shelter for dogs in this 860
state; 861

(G) Standards for the care of dogs in addition to the 862
standards established in section 4780.08 of the Revised Code; 863

(H) Procedures for inspections conducted under section 864
4780.10 of the Revised Code in addition to the procedures 865
established in that section, and procedures for making records of 866
the inspections; 867

(I) Requirements and procedures that are necessary to 868
implement and enforce the requirements pertaining to pet stores 869
that are established in section 4780.20 of the Revised Code; 870

(J) A requirement that a retailer or direct seller of a puppy 871
or adult dog provide to the purchaser the complete name, address, 872
and telephone number of all commercial dog kennels, commercial dog 873
intermediaries, and private owners that kept, housed, or 874
maintained the puppy or adult dog prior to its coming into the 875
possession of the retailer or direct seller or proof that the 876
puppy or adult dog was acquired through a licensed animal rescue 877
for dogs, licensed animal shelter for dogs, or humane society 878
established under Chapter 1717. of the Revised Code; 879

(K) Any other requirements and procedures that are determined 880
by the director to be necessary for the administration and 881
enforcement of this chapter and rules adopted under it. 882

Sec. 4780.04. (A)(1) No person shall operate a commercial dog 883
kennel in this state without a commercial dog kennel license 884
issued by the director of commerce in accordance with this section 885
and rules adopted under section 4780.03 of the Revised Code. 886

(2) The director shall not issue a license under this section 887
unless the director determines that the applicant will operate or 888
will continue to operate the commercial dog kennel in accordance 889
with this chapter and rules adopted under it. 890

(B) In determining whether an establishment is a commercial 891
dog kennel requiring a license under this chapter, the director 892
shall determine if the establishment keeps, houses, and maintains 893
nine or more adult dogs for the purpose of boarding, breeding, 894
holding, auctioning, or training dogs for a fee or other 895
consideration. Any dogs that are kept, housed, or maintained for 896
the purpose of the companionship of the owner or to be shown by 897
the owner and not for boarding, breeding, holding, auctioning, or 898
training for a fee or other consideration shall not be counted. 899
The burden shall be on the owner or operator of the establishment 900
to prove the purpose for which dogs are kept, housed, and 901
maintained. 902

(C) A person who is proposing to operate a new commercial dog 903
kennel, at least ninety days prior to the operation of the 904
commercial dog kennel, shall submit an application for a license 905
to the director. The application shall be submitted in the form 906
and with the information required by rules adopted under section 907
4780.03 of the Revised Code and shall include with it at least all 908
of the following: 909

(1) An affidavit signed under oath or solemn affirmation of 910
the number of adult dogs that are kept, housed, and maintained by 911
the applicant at the location that is the subject of the 912
application; 913

(2) An estimate of the number of puppies to be kept, housed, 914
and maintained during the annual term of the license; 915

(3) Photographic evidence documenting the facilities where 916
dogs will be kept, housed, and maintained by the applicant; 917

(4) A signed release permitting the performance of a background investigation regarding the applicant in accordance with rules adopted under section 4780.03 of the Revised Code; 918
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(5) A copy of the applicant's fingerprint for purposes of conducting the background investigation required by rules adopted under section 4780.03 of the Revised Code; 921
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(6) The names and addresses and any other identifying information required by rules adopted under section 4780.03 of the Revised Code of all persons who will have custody of or access to dogs under the control of the applicant. 924
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(D) During the month of December, but before the first day of January of the next year, a person who is proposing to continue the operation of a commercial dog kennel shall obtain a license for the commercial dog kennel from the director for the following year. The person shall submit the application to the director on or before the last day of October of the year preceding the year for which the license is sought. 928
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(E) The owner or operator of a commercial dog kennel that is in operation on the effective date of this section shall submit to the director an application for a commercial dog kennel license not later than six months after the effective date of this section. The director shall issue or deny the application for a license within ninety days after the receipt of the completed application. 935
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(F) A person who has received a license under this section, upon sale or other disposition of the commercial dog kennel, may have the license transferred to another person with the consent of the director, provided that the transferee otherwise qualifies to be licensed as a commercial dog kennel under this chapter and rules adopted under it and does not have a certified unpaid debt to the state. 942
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(G) An applicant for a license issued under this section shall demonstrate that the commercial dog kennel that is the subject of the application complies with the standards of care and other standards established in this chapter and rules adopted under it. 949
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(H) No person shall operate a commercial dog kennel who has been convicted of or pleaded guilty to violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government or has been convicted of or pleaded guilty to violating more than once section 2919.25 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government. 954
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(I) Medical kennels for dogs and research kennels for dogs are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it. 962
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Sec. 4780.05. (A)(1) No person shall act as or perform the functions of a commercial dog intermediary in this state without a commercial dog intermediary license issued by the director of commerce in accordance with this section and rules adopted under section 4780.03 of the Revised Code. 966
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(2) The director shall not issue a license under this section unless the director determines that the applicant will act as or perform the function of a commercial dog intermediary in accordance with this chapter and rules adopted under it. 971
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(B) A person who is proposing to act as or perform the functions of a commercial dog intermediary shall submit an application for a license to the director. During the month of December, but before the first day of January of the next year, a 975
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person who is proposing to continue to act as or perform the 979
functions of a commercial dog intermediary shall obtain a license 980
from the director for the following year. The person shall submit 981
the application to the director on or before the last day of 982
October of the year preceding the year for which the license is 983
sought. 984

(C) A person who is acting as or performing the functions of 985
a commercial dog intermediary on the effective date of this 986
section shall submit to the director an application for a 987
commercial dog intermediary license not later than six months 988
after the effective date of this section. The director shall issue 989
or deny the application for a license within ninety days after the 990
receipt of the completed application. 991

(D) No person shall act as or perform the functions of a 992
commercial dog intermediary who has been convicted of or pleaded 993
guilty to violating section 959.01, 959.02, 959.03, 959.13, 994
959.131, 959.15, or 959.16 of the Revised Code or an equivalent 995
municipal ordinance, law of another state, or law of the federal 996
government or has been convicted of or pleaded guilty to violating 997
more than once section 2919.25 of the Revised Code or an 998
equivalent municipal ordinance, law of another state, or law of 999
the federal government. 1000

Sec. 4780.06. (A) A person who is applying for a license to 1001
operate a commercial dog kennel or to act as or perform the 1002
functions of a commercial dog intermediary under section 4780.04 1003
or 4780.05 of the Revised Code, as applicable, shall include with 1004
the application for a license a nonrefundable license application 1005
fee as follows: 1006

(1) For a commercial dog breeding kennel: 1007

(a) One hundred fifty dollars if the commercial dog breeding 1008

kennel has the capacity to keep, house, and maintain at least 1009
nine, but not more than fifteen adult dogs; 1010

(b) Five hundred dollars if the commercial dog breeding 1011
kennel has the capacity to keep, house, and maintain at least 1012
sixteen, but not more than twenty-five adult dogs; 1013

(c) Seven hundred fifty dollars if the commercial dog 1014
breeding kennel has the capacity to keep, house, and maintain more 1015
than twenty-five adult dogs. 1016

(2) For all other commercial dog kennels, fifty dollars. 1017

(3) For a commercial dog intermediary, five hundred dollars. 1018

(B) Money collected by the director of commerce from 1019
application fees submitted under this section shall be transmitted 1020
by the director to the treasurer of state to be credited to the 1021
commercial dog kennel control license fund created in section 1022
4780.17 of the Revised Code. However, fifty dollars of each 1023
application fee received from a person who is applying for a 1024
license to operate a commercial dog breeding kennel shall be 1025
transferred by the treasurer to the county in which the commercial 1026
dog breeding kennel is or will be located and deposited by the 1027
county auditor in the county's dog and kennel fund created in 1028
accordance with section 955.20 of the Revised Code. 1029

Sec. 4780.07. (A) No person shall operate an animal rescue 1030
for dogs or animal shelter for dogs or act as an animal rescue for 1031
dogs without a license to do so issued by the director of commerce 1032
in accordance with rules adopted under section 4780.03 of the 1033
Revised Code. No license application fee shall be charged to an 1034
animal rescue for dogs or an animal shelter for dogs. An animal 1035
rescue for dogs or animal shelter for dogs shall comply with the 1036
standards of care established in section 4780.08 of the Revised 1037
Code and rules adopted under section 4780.03 of the Revised Code. 1038

(B) No person shall own or operate an animal rescue for dogs or animal shelter for dogs or act as an animal rescue for dogs who has been convicted of or pleaded guilty to violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government or has been convicted of or pleaded guilty to violating more than once section 2919.25 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government.

Sec. 4780.08. No person operating a commercial dog kennel, animal rescue for dogs, or animal shelter for dogs or acting as a commercial dog intermediary or animal rescue for dogs shall do any of the following:

(A) Keep or confine a dog in an enclosure, crate, or cage of insufficient size so that the dog cannot stand, turn around, or lay down without touching the enclosure on the sides or the top, as applicable, and without touching or dislodging a food dish or water bowl placed within the enclosure;

(B) Keep or confine a dog in an enclosure, crate, or cage without access to either natural or artificial light during daytime hours;

(C) Keep or confine a dog in an enclosure, crate, or cage outdoors unless the dog has access at all times to a dry insulated indoor shelter or dog house or is provided with clean straw or other nontoxic insulating material in an amount that is sufficient to permit the dog to burrow under the straw or material while at the same time using the straw or material as bedding;

(D) Keep or confine a dog in an enclosure, crate, or cage if urine or feces have accumulated beyond an amount that is expected to accumulate in a normal twelve-hour period;

<u>(E) Keep or confine a dog in an enclosure, crate, or cage</u>	1069
<u>without access to clean unfrozen water at all times;</u>	1070
<u>(F) Keep or confine a dog in an enclosure, crate, or cage</u>	1071
<u>without access to adequate and wholesome food to ensure a proper</u>	1072
<u>and healthy weight;</u>	1073
<u>(G) Keep or confine a dog in an enclosure, crate, or cage</u>	1074
<u>with flooring material that is incapable of being cleaned or</u>	1075
<u>sanitized or that is likely to cause injury to the pads of a dog's</u>	1076
<u>feet;</u>	1077
<u>(H) Keep or confine a dog in an enclosure, crate, or cage</u>	1078
<u>without providing a sanitary nonporous resting board or pan that</u>	1079
<u>is sufficient for the size of the dog and, if applicable, the</u>	1080
<u>dog's litter;</u>	1081
<u>(I) Keep or confine a dog in an enclosure, crate, or cage in</u>	1082
<u>unsanitary conditions;</u>	1083
<u>(J) Keep or confine a dog in an enclosure, crate, or cage</u>	1084
<u>that is in contact with or in the immediate vicinity of any animal</u>	1085
<u>with a diagnosed or suspected disease that is contagious to dogs;</u>	1086
<u>(K) Keep or confine a dog in an enclosure, crate, or cage</u>	1087
<u>without adequate ventilation;</u>	1088
<u>(L) Keep or confine a dog in an enclosure, crate, or cage</u>	1089
<u>without providing shelter from the elements;</u>	1090
<u>(M) Keep or confine a dog in an outdoor run or kennel where</u>	1091
<u>shade is not provided during the months of May through September.</u>	1092
<u>The person shall ensure that the shade so provided provides a</u>	1093
<u>reduction of temperature of at least five degrees from nonshaded</u>	1094
<u>areas when the temperature in the nonshaded areas is ninety</u>	1095
<u>degrees fahrenheit or higher.</u>	1096
<u>(N) Fail to provide a dog with veterinary care and treatment</u>	1097
<u>for any significant disease, illness, or injury;</u>	1098

<u>(O) Fail to provide a breeding dog with a clean whelping box</u>	1099
<u>when needed;</u>	1100
<u>(P) Fail to provide a breeding dog with less than two hours</u>	1101
<u>per day of human contact and with an opportunity to exercise</u>	1102
<u>outdoors;</u>	1103
<u>(O) Fail to trim an adult dog's nails to prevent curling;</u>	1104
<u>(R) Fail to provide regular grooming to a dog to prevent</u>	1105
<u>matting of fur;</u>	1106
<u>(S) Fail to provide a dog with appropriate protection from</u>	1107
<u>fleas, ticks, and biting and stinging insects or treatment for</u>	1108
<u>worms if the dog is so afflicted;</u>	1109
<u>(T) Fail to provide an adult dog with vaccinations for</u>	1110
<u>rabies, bordetella/parainfluenza, parvovirus, distemper, and</u>	1111
<u>adenovirus according to vaccine schedules established by the</u>	1112
<u>American veterinary medical association unless a veterinarian</u>	1113
<u>certifies in writing that the administration of such vaccines is</u>	1114
<u>medically contraindicated or medically unnecessary based on the</u>	1115
<u>results of an antibody titre test;</u>	1116
<u>(U) Fail to provide all puppies aged three months or older</u>	1117
<u>with the appropriate phase-in booster vaccines for</u>	1118
<u>bordetella/parainfluenza, parvovirus, distemper, and adenovirus</u>	1119
<u>according to vaccine schedules established by the American</u>	1120
<u>veterinary medical association unless a veterinarian certifies in</u>	1121
<u>writing that the administration of such vaccines is medically</u>	1122
<u>contraindicated or medically unnecessary based on the results of</u>	1123
<u>an antibody titre test;</u>	1124
<u>(V) Fail to provide heartworm preventative to a breeding dog</u>	1125
<u>unless a veterinarian certifies in writing that such a</u>	1126
<u>preventative is medically contraindicated;</u>	1127
<u>(W) Fail to ensure that a dog in the person's possession or</u>	1128

control is euthanized by any method other than by the 1129
administration of sodium pentobarbitol or another method that acts 1130
on the central nervous system in a manner that is sufficient to 1131
eliminate pain and suffering of the dog; 1132

(X) Fail to ensure that a dog that is being euthanized is not 1133
left unattended between the commencement of the process and death 1134
and that euthanization occurs only under the supervision of a 1135
veterinarian; 1136

(Y) Beat or brutalize a dog within the person's custody or 1137
control. 1138

Sec. 4780.09. The director of commerce shall appoint kennel 1139
control enforcement inspectors for the purpose of enforcing the 1140
requirements and standards established by this chapter and rules 1141
adopted under it and to act as authorized agents of the director. 1142
Inspectors shall serve at the pleasure of the director and shall 1143
be employees of the commercial dog kennel control authority 1144
created in section 4780.02 of the Revised Code. Inspectors may 1145
issue citations and orders that are necessary to enforce this 1146
chapter and rules adopted under it. The director shall provide 1147
each kennel control enforcement inspector with an identifying 1148
badge and an official uniform. 1149

Sec. 4780.10. (A) At least once biennially, the director of 1150
commerce or the director's authorized representative shall inspect 1151
a commercial dog breeding kennel that is subject to licensure 1152
under this chapter and rules adopted under section 4780.03 of the 1153
Revised Code to ensure compliance with this chapter and rules 1154
adopted under it including, but not limited to, the standards of 1155
care established in section 4780.08 of the Revised Code. 1156
Inspections shall be conducted without prior notification to the 1157
licensee or persons associated with the licensee. In addition, 1158

upon the request of a member of the public, a public official, an animal rescue for dogs, or an animal shelter for dogs, the director or the director's authorized representative shall inspect any other facility that is subject to licensure under this chapter and rules adopted under it to ensure such compliance. 1159
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Inspections shall be conducted in accordance with rules adopted under section 4780.03 of the Revised Code. A record of each inspection shall be made by the inspector who is responsible for the inspection in accordance with those rules. Records of inspections conducted under this section, excluding any social security numbers, are public records as provided in section 149.43 of the Revised Code. 1164
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(B) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the environmental division of the Franklin county municipal court for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it. A judge of that court may issue such a warrant. 1171
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(C) No owner or operator of a commercial dog kennel, animal rescue for dogs, or animal shelter for dogs or person acting as a commercial dog intermediary or animal rescue for dogs shall interfere with an inspection or refuse to allow an inspector full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a commercial dog kennel or commercial dog 1183
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intermediary, the director may suspend or revoke the kennel's or 1190
intermediary's license in accordance with this chapter. 1191

(D) If entry that is authorized by division (B) of this 1192
section is refused or if an inspection or investigation is 1193
refused, hindered, or thwarted by intimidation or otherwise and if 1194
the director, an authorized representative of the director, or the 1195
attorney general applies for and obtains a court order or a search 1196
warrant under division (B) of this section to conduct the 1197
inspection or investigation, the owner or operator of the premises 1198
where entry was refused or inspection or investigation was 1199
refused, hindered, or thwarted is liable to the director for the 1200
reasonable costs incurred by the director for the regular salaries 1201
and fringe benefit costs of personnel assigned to conduct the 1202
inspection or investigation from the time the entry, inspection, 1203
or investigation was refused, hindered, or thwarted until the 1204
court order or search warrant is executed; for the salary, fringe 1205
benefits, and travel expenses of the director, an authorized 1206
representative of the director, or the attorney general incurred 1207
in obtaining the court order or search warrant; and for expenses 1208
necessarily incurred for the assistance of local law enforcement 1209
officers in executing the court order or search warrant. In the 1210
application for a court order or a search warrant, the director, 1211
the director's authorized representative, or the attorney general 1212
may request and the environmental division of the Franklin county 1213
municipal court, in its order granting the court order or search 1214
warrant, may order the owner or operator of the premises to 1215
reimburse the director for any of those costs that the court finds 1216
reasonable. From money recovered under this division, the director 1217
shall reimburse the attorney general for the costs incurred by the 1218
attorney general in connection with proceedings for obtaining the 1219
court order or search warrant, shall reimburse the political 1220
subdivision in which the premises is located for the assistance of 1221

its law enforcement officers in executing the court order or 1222
search warrant, and shall deposit the remainder in the state 1223
treasury to the credit of the commercial dog kennel control 1224
license fund created in section 4780.17 of the Revised Code. 1225

(E) A dog warden appointed under Chapter 955. of the Revised 1226
Code or an agent of a humane society established under Chapter 1227
1717. of the Revised Code entering on public or private property 1228
to make investigations and inspections in accordance with Chapter 1229
955. or 1717. of the Revised Code, as applicable, shall report any 1230
violations of this chapter and rules adopted under it to the 1231
director or a kennel control enforcement inspector and may examine 1232
and copy any records that are required to be maintained under 1233
rules adopted under this chapter. 1234

Sec. 4780.11. The director of commerce or the director's 1235
authorized representative may impound a dog if the director or the 1236
director's authorized representative has probable cause to believe 1237
that the dog is being kept by a commercial dog kennel, commercial 1238
dog intermediary, animal rescue for dogs, or animal shelter for 1239
dogs in a manner that materially violates this chapter or rules 1240
adopted under it or when the dog's health or safety appears to be 1241
in imminent danger. The director or the director's authorized 1242
representative shall give written notice of the impoundment by 1243
posting a notice on the door of the premises from which the dog 1244
was taken or by otherwise posting the notice in a conspicuous 1245
place at the premises from which the dog was taken. The notice 1246
shall provide a date for an adjudication hearing, which shall take 1247
place not later than five business days after the dog is taken and 1248
at which the director shall determine if the dog should be 1249
permanently relinquished to the custody of the department of 1250
commerce. The owner or operator of the applicable commercial dog 1251
kennel, animal rescue for dogs, or animal shelter for dogs or the 1252

person acting as a commercial dog intermediary or animal rescue 1253
for dogs may appeal the determination made at the adjudication 1254
hearing in accordance with section 119.12 of the Revised Code, 1255
except that the appeal may only be made to the environmental 1256
division of the Franklin county municipal court. If a dog has been 1257
impounded and the owner or operator of the applicable commercial 1258
dog kennel, animal rescue for dogs, or animal shelter for dogs or 1259
the person acting as a commercial dog intermediary or animal 1260
rescue for dogs appeals the determination made at an adjudication 1261
hearing, that person shall file an appeal bond that is sufficient 1262
to cover the costs of keeping, housing, and maintaining the dog in 1263
a manner and amount to be determined by the environmental division 1264
of the Franklin county municipal court. 1265

The director may enter into contracts or agreements with a 1266
licensed animal rescue for dogs, a licensed animal shelter for 1267
dogs, a veterinarian, a dog warden appointed under Chapter 955. of 1268
the Revised Code, or a humane society established under Chapter 1269
1717. of the Revised Code for the purpose of keeping, housing, and 1270
maintaining dogs that are impounded under this section. If, after 1271
the final disposition of an adjudication hearing and any appeals 1272
from that adjudication hearing, it is determined that a dog shall 1273
be permanently relinquished to the custody of the department, the 1274
dog may be adopted from the licensed animal rescue for dogs, 1275
licensed animal shelter for dogs, veterinarian, dog warden, or 1276
humane society where it is being kept, housed, and maintained. The 1277
licensed animal rescue for dogs, licensed animal shelter for dogs, 1278
veterinarian, dog warden, or humane society may charge a 1279
reasonable adoption fee in an amount determined by the director. 1280
The fee shall be at least sufficient to cover the costs of spaying 1281
or neutering the dog unless it is medically contraindicated. 1282

Sec. 4780.12. If the director of commerce or the director's 1283

authorized representative determines that a person has violated, 1284
is violating, or is threatening to violate this chapter or rules 1285
adopted under it, the director may issue and cause to be served by 1286
certified mail or personal service a citation of violation and an 1287
order requiring the person to cease the acts or practices 1288
appearing to the director or the director's authorized 1289
representative to constitute a violation of this chapter or rules 1290
adopted under it or requiring the person to take corrective 1291
actions to eliminate the conditions appearing to the director or 1292
the director's authorized representative to constitute a violation 1293
of this chapter and rules adopted under it. The order shall state 1294
specifically the provision or provisions of this chapter or the 1295
rule or rules adopted under this chapter that appear to the 1296
director or the director's authorized representative to have been 1297
violated or threatened to be violated and the facts constituting 1298
the violation or threatened violation, the actions that the person 1299
must take to correct the deficiencies, and the time period within 1300
which the person must correct the violations. 1301

Sec. 4780.13. (A) The director of commerce may assess a civil 1302
penalty against a person violating this chapter or rules adopted 1303
under it if all of the following occur: 1304

(1) The person has received an order and been notified of the 1305
violation by certified mail as required in section 4780.12 of the 1306
Revised Code. 1307

(2) After the time period for correcting the violation 1308
specified in the order has elapsed, the director or the director's 1309
authorized representative has inspected the premises where the 1310
violation has occurred and determined that the violations have not 1311
been corrected, and the director has issued a notice of an 1312
adjudication hearing pursuant to division (A)(3) of this section. 1313

(3) The director affords the person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination that the person is not in compliance with this chapter or rules adopted under it, the imposition of the civil penalty, or both. A person may waive the opportunity for an adjudication hearing. 1314
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(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation of this chapter or a rule adopted under it has occurred or is occurring, the director may assess a civil penalty. The civil penalty may be appealed in accordance with section 119.12 of the Revised Code except that the civil penalty may only be appealed to the environmental division of the Franklin county municipal court. 1320
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(C) Civil penalties shall be assessed in the following amounts: 1328
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(1) A person who has violated division (A)(1) of section 4780.04 or division (A)(1) of section 4780.05 of the Revised Code shall pay a civil penalty in an amount that is equal to two times the amount of the license fee that should have been paid by the person under section 4780.06 of the Revised Code. 1330
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(2) A person who has violated division (H) of section 4780.04 or division (D) of section 4780.05 of the Revised Code shall pay a civil penalty of not more than fifteen thousand dollars. 1335
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(3) A person who has violated any other provision of this chapter or rules adopted under it, including, but not limited to, the standards of care established in section 4780.08 of the Revised Code and rules adopted under section 4780.03 of the Revised Code, shall pay a civil penalty of twenty-five dollars. 1338
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Each day that a violation continues constitutes a separate violation. 1343
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Sec. 4780.14. The attorney general, upon the request of the 1345
director of commerce, may bring an action for injunction against a 1346
person who has violated, is violating, or is threatening to 1347
violate this chapter, rules adopted under it, or an order issued 1348
under section 4780.12 of the Revised Code. An action for 1349
injunction shall be filed in the environmental division of the 1350
Franklin county municipal court, which shall have exclusive 1351
jurisdiction to grant preliminary and permanent injunctive relief 1352
under this chapter. The environmental division of the Franklin 1353
county municipal court shall grant such injunctive relief upon a 1354
showing that the person against whom the action is brought has 1355
violated, is violating, or is threatening to violate this chapter, 1356
rules adopted under it, or an order issued under it. The court 1357
shall give precedence to such an action over all other cases. 1358

Sec. 4780.15. (A) The director of commerce shall deny an 1359
application for a license that is submitted under section 4780.04, 1360
4780.05, or 4780.07 of the Revised Code for any of the following 1361
reasons: 1362

(1) The applicant for the license has violated any provision 1363
of this chapter or a rule adopted under it. 1364

(2) The applicant has been convicted of or pleaded guilty to 1365
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 1366
or 959.16 of the Revised Code or an equivalent municipal 1367
ordinance, law of another state, or law of the federal government 1368
or has been convicted of or pleaded guilty to violating more than 1369
once section 2919.25 of the Revised Code or an equivalent 1370
municipal ordinance, law of another state, or law of the federal 1371
government. 1372

(3) The director determines that the applicant for the 1373
license does not have the expertise or capacity to comply with 1374

this chapter or rules adopted under it.

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(B) The director may suspend or revoke a license issued under this chapter for violation of any provision of this chapter or a rule adopted or order issued under it.

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(C) An application or a license shall not be denied, suspended, or revoked under this section without a written order of the director stating the findings on which the denial, suspension, or revocation is based. A copy of the order shall be sent to the applicant or license holder by certified mail or may be provided to the applicant or license holder by personal service. In addition, the person to whom a denial, suspension, or revocation applies may request an adjudication hearing under Chapter 119. of the Revised Code. The director shall comply with such a request. The determination of the director at an adjudication hearing may be appealed in accordance with section 119.12 of the Revised Code, except that the determination may only be appealed to the environmental division of the Franklin county municipal court.

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Sec. 4780.16. The director of commerce, the director's authorized representative, or the attorney general may require the attendance of witnesses, and the production of books, records, papers, and dogs that are needed either by the director or the attorney general or by any party to a hearing before the director and for that purpose may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, papers, or dogs. The subpoena shall be served by personal service or by certified mail. If the subpoena is returned because of inability to deliver, or if no return is received within thirty days after the date of mailing, the subpoena may be served by ordinary mail. If no return of ordinary mail is received within thirty days after the date of mailing, service shall be deemed to

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have been made. If the subpoena is returned because of inability 1406
to deliver, the director or the attorney general may designate a 1407
person or persons to effect either personal or residence service 1408
on the witness. The person designated to effect personal or 1409
residence service under this section may be the sheriff of the 1410
county in which the witness resides or may be found or any other 1411
duly designated person. The fees and mileage of the person serving 1412
the subpoena shall be the same as those allowed by the courts of 1413
common pleas in criminal cases and shall be paid from the funds of 1414
the department of commerce. Fees and mileage for the witness shall 1415
be the same as those allowed for witnesses by the courts of common 1416
pleas in criminal cases and shall be paid from the funds of the 1417
department upon request of the witness following the hearing. 1418

Sec. 4780.17. All money collected by the director of commerce 1419
from license fees under section 4780.06 of the Revised Code and 1420
all money collected from civil penalties assessed under section 1421
4780.13 of the Revised Code shall be deposited in the state 1422
treasury to the credit of the commercial dog kennel control 1423
license fund, which is hereby created. The director shall use 1424
money in the fund for the purpose of administering this chapter 1425
and rules adopted under it. 1426

Sec. 4780.18. (A) There is hereby created the commercial dog 1427
kennel oversight commission consisting of one member of the senate 1428
appointed by the president of the senate, one member of the house 1429
of representatives appointed by the speaker of the house of 1430
representatives, and the following six members appointed by the 1431
governor: 1432

(1) Two members representing animal care and welfare 1433
organizations in this state; 1434

(2) One member who is a county dog warden; 1435

(3) One member who is a veterinarian; 1436

(4) One member representing pet stores in this state; 1437

(5) One member representing commercial dog kennels in this 1438
state. 1439

Initial appointments to the commission shall be made not 1440
later than sixty days after the effective date of this section. 1441

Terms of office of the members appointed by the president of the 1442
senate and the speaker of the house of representatives shall 1443
coincide with their terms of office as members of the senate and 1444
the house of representatives, as applicable. Of the initial 1445
appointments made by the governor, two shall be for one-year 1446
terms, two shall be for two-year terms, and two shall be for 1447
three-year terms. Thereafter, terms of office of members appointed 1448
by the governor shall be three years, with each term ending on the 1449
same day of the same month as did the term that it succeeds. Each 1450
member shall hold office from the date of appointment until the 1451
end of the term for which the member was appointed. Members may be 1452
reappointed. Vacancies shall be filled in the manner provided for 1453
the original appointments. Any member appointed to fill a vacancy 1454
occurring prior to the expiration date of the term for which the 1455
member's predecessor was appointed shall hold office for the 1456
remainder of the term. A member shall continue in office 1457
subsequent to the expiration date of the member's term until the 1458
member's successor takes office or until a period of sixty days 1459
has elapsed, whichever occurs first. 1460

(B) The governor shall select a chairperson from among the 1461
commission's members. A majority of the members of the commission 1462
constitutes a quorum. The commission shall meet at least four 1463
times a year in Columbus or at other locations selected by the 1464
chairperson. The chairperson shall determine the agenda for each 1465
meeting of the commission. However, if the member appointed by the 1466

president of the senate and the member appointed by the speaker of 1467
the house of representatives jointly request in writing that an 1468
item be placed on the agenda for a meeting of the commission, the 1469
chairperson shall place the item on the agenda at the commission's 1470
next regularly scheduled meeting occurring more than ten days 1471
after the request has been made. 1472

Members of the commission shall serve without compensation 1473
for attending commission meetings. Members of the commission shall 1474
be reimbursed for their actual and necessary expenses incurred in 1475
the performance of official duties as members of the commission. 1476

(C) The commission shall provide oversight and evaluation of 1477
the administration of this chapter and rules adopted under it, 1478
including the operation of the commercial dog kennel control 1479
authority created in section 4780.02 of the Revised Code. The 1480
oversight and evaluation may include, but not be limited to, a 1481
determination of whether this chapter and rules adopted under it 1482
and the operation of the authority have resulted in the prevention 1483
of cruelty to and abuse of dogs and an evaluation of the sanctions 1484
imposed on violators of this chapter and rules adopted under it. 1485
In addition, the commission may make recommendations to the 1486
director of commerce for changes to the administration of this 1487
chapter and rules adopted under it and to the general assembly for 1488
changes to this chapter that the commission considers necessary 1489
for the effective enforcement of this chapter and rules adopted 1490
under it. The commission has the right to inspect records kept by 1491
the commercial dog kennel control authority and to interview 1492
kennel control enforcement inspectors. The commission, by the 1493
thirty-first day of December each year, shall issue a report of 1494
its findings and submit it to the director of commerce, the 1495
president of the senate, and the speaker of the house of 1496
representatives. 1497

Sec. 4780.20. (A) In accordance with rules adopted under 1498
section 4780.03 of the Revised Code, at the time of the sale of a 1499
dog, a pet store shall provide the buyer of the dog with either of 1500
the following: 1501

(1) A certificate of medical health that has been sworn and 1502
attested to by a veterinarian and that states that the 1503
veterinarian has examined the dog and has not found a significant 1504
disease, illness, or injury at the time of the examination; 1505

(2) A money-back guarantee that is valid for not less than 1506
twenty-one days after the date of purchase of the dog. The 1507
guarantee shall authorize the purchaser of the dog to receive the 1508
purchase price of the dog from the pet store within that 1509
twenty-one-day period if the purchaser presents a statement to the 1510
pet store from a veterinarian who has examined the dog within 1511
fourteen days of the purchase of the dog that the dog has a 1512
significant disease, illness, or injury that was in existence at 1513
the time of the purchase of the dog. 1514

(B) A pet store shall post written notice of the pet store's 1515
responsibility under this section in a conspicuous location near 1516
the pet store's cash register. The written notice shall be posted 1517
in accordance with rules and shall be in prominent and easily read 1518
type that is not less than eighteen point type. 1519

(C) At a time prior to the sale of a dog, a pet store shall 1520
provide the name, complete address, and telephone number of the 1521
breeder that bred the dog, the commercial dog kennel where the dog 1522
was kept, housed, and maintained, and the commercial dog 1523
intermediary from whom the pet store acquired the dog, as 1524
applicable. The pet store also shall provide the telephone number 1525
and the address of the department of commerce. 1526

(D) No pet store shall fail to comply with this section. 1527

(E) A pet store that fails to comply with division (A) of 1528
this section with respect to the sale of a dog or a pet store that 1529
fails to refund the purchase price of a dog in accordance with 1530
division (A)(2) of this section is liable to the purchaser of the 1531
dog for an amount that is equal to three times the purchase price 1532
of the dog plus any veterinary expenses of not more than five 1533
hundred dollars that are incurred by the purchaser within one year 1534
after the date of the purchase of the dog. The pet store also is 1535
liable for any attorney fees and costs incurred by the purchaser. 1536
In addition, the buyer of the dog may keep the dog. 1537

(F) The director of commerce or the director's authorized 1538
representative shall enforce this section. Kennel control 1539
enforcement inspectors may make inspections of pet stores for the 1540
purpose of enforcing this section. 1541

Sec. 4780.98. No person shall violate this chapter or rule 1542
adopted or order issued under it. 1543

Sec. 4780.99. Whoever violates section 4780.98 is guilty of a 1544
misdemeanor of the first degree. 1545

Section 2. That existing sections 121.08, 301.28, 955.013, 1546
955.03, 955.05, 955.07, 955.10, 955.12, 955.14, 955.20, 955.21, 1547
and 1901.183 and sections 955.02 and 955.04 of the Revised Code 1548
are hereby repealed. 1549