
HOUSE BILL No. 1719

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-9-39-5; IC 15-5-9.1.

Synopsis: Dog control measures. Requires that dogs be implanted with a microchip that contains a registered identification number and can be read with a standard scanner. Requires that the registration information be updated when necessary. Requires the owners of certain dogs that are not neutered or spayed to pay an annual fee to the county dog fund. Provides for the annual fee to be collected using the same method the county elects to collect the dog tax. Requires each county to establish a county dog fund. Requires the owner of a dog that is not spayed or neutered to post a warning sign on the premises where the dog is kept. Establishes penalties for noncompliance. Allows a county, city, or town to adopt a dog control ordinance that is more restrictive than state law.

Effective: July 1, 2007.

Bardon

January 26, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1719

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-9-39-5, AS ADDED BY P.L.162-2006,
2 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 5. (a) The fiscal body of a county may collect a
4 county option dog tax imposed under section 3 of this chapter **and**
5 **shall collect the fee required under IC 15-5-9.1** by any combination
6 of the following methods:

7 (1) By designating one (1) or more persons in the county to
8 collect the tax **and fee**.

9 (2) By requiring a person who harbors or keeps a taxable dog to
10 submit a complete and accurate county option dog tax return.

11 (3) By a method other than a method described in subdivision (1)
12 or (2) as determined by the fiscal body of the county.

13 (b) A designee under subsection (a)(1) may retain a fee from **each**
14 **of the following:**

15 (1) The tax collected for each taxable dog. ~~in an~~

16 (2) **The fee required under IC 15-5-9.1.**

17 **The amount of the fee that may be retained by the designee shall be**



1 determined by the fiscal body **but may not to** exceed seventy-five cents
 2 (\$0.75). A designee shall remit the balance of the money collected to
 3 the county treasurer by the tenth day of each month.

4 (c) If a fiscal body chooses to collect a county option dog tax
 5 imposed under section 3 of this chapter by requiring the submission of
 6 a county option dog tax return under subsection ~~(a)~~; **(a)(2)**, the county
 7 treasurer may include a county option dog tax return form with every
 8 property tax statement that is mailed to a person under
 9 IC 6-1.1-22-8(a)(1).

10 (d) The department of local government finance shall prescribe a
 11 county option dog tax return form that a county may use **under**
 12 **subsection (a)(2)** for the ~~reporting collection from dog owners of the~~
 13 county option dog tax ~~liability and the fee required under~~
 14 **IC 15-5-9.1.**

15 SECTION 2. IC 15-5-9.1 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2007]:

18 **Chapter 9.1. Dog Control**

19 **Sec. 1. This chapter does not apply to the following:**

- 20 (1) A dog that is in an animal care facility.
 21 (2) A dog that is less than six (6) months of age.
 22 (3) A dog that is maintained as part of a zoological park (as
 23 defined in IC 14-22-26-2).
 24 (4) A dog at a veterinary clinic or hospital.
 25 (5) A dog that is licensed in another state and is not in Indiana
 26 for more than thirty (30) consecutive days.

27 **Sec. 2. As used in this chapter, "animal care facility" means an**
 28 **animal control center, an animal shelter, a humane society, or**
 29 **another animal impounding facility that has as its purpose the**
 30 **humane treatment of animals.**

31 **Sec. 3. As used in this chapter, "dog" means an animal of the**
 32 **canine species.**

33 **Sec. 4. As used in this chapter, "owner" means a person who**
 34 **owns, harbors, or keeps a dog.**

35 **Sec. 5. (a) An owner's dog must be implanted with a microchip**
 36 **that:**

- 37 (1) contains a registered identification number; and
 38 (2) can be read with a standard microchip scanner.

39 **(b) The owner of a dog that is implanted with a microchip must**
 40 **be listed on the microchip registration as the primary contact**
 41 **person for the dog. If, because of a change, the contact information**
 42 **for the microchip registration is no longer accurate, the owner**

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1 must notify the company that maintains the dog's microchip
2 registration of the change within thirty (30) days after the change
3 occurs.

4 (c) The board of animal health may adopt rules under IC 4-22-2
5 establishing standards for microchips and microchip scanners that
6 comply with this section.

7 Sec. 6. (a) An owner shall annually pay a fee of fifty dollars
8 (\$50) for each of the owner's dogs that is not spayed or neutered.

9 (b) Notwithstanding subsection (a), an owner is not required to
10 pay the fee for a dog that is not spayed or neutered if a
11 veterinarian determines that the dog has a medical condition that
12 reasonably requires postponement of the spaying or neutering until
13 the spaying or neutering can be performed in a safe and humane
14 manner.

15 (c) The county shall collect the fee required under this section
16 using a method adopted under IC 6-9-39-5(a). The money collected
17 under this section must be deposited in the county dog fund
18 established under section 7 of this chapter.

19 Sec. 7. (a) The auditor of each county shall establish a county
20 dog fund. The county treasurer shall deposit all money collected
21 under section 6 of this chapter into the fund.

22 (b) The fiscal body of a county may use the money in the county
23 dog fund for the following purposes:

- 24 (1) Medical expenses of dog bite victims.
- 25 (2) Microchips for dogs.
- 26 (3) Spaying and neutering of dogs.
- 27 (4) Purchasing microchip scanners.
- 28 (5) Community educational programs concerning responsible
29 dog ownership, including spaying, neutering, microchips, and
30 safety issues.

31 (c) The county dog fund established under subsection (a) shall
32 be administered by the county treasurer, and the expenses of
33 administering the fund shall be paid from money in the fund.
34 Money in the fund not currently needed to meet the obligations of
35 the fund may be invested in the same manner as other public funds
36 may be invested. Interest that accrues from these investments shall
37 be deposited in the fund. Money in the fund at the end of a fiscal
38 year does not revert to the county general fund.

39 (d) As used in this subsection, "fund cap" means the greater of
40 the following:

- 41 (1) The average annual amount deposited into the county dog
42 fund, calculated using amounts deposited the previous three

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1 (3) years.
 2 (2) Twenty-five thousand dollars (\$25,000).
 3 **Beginning December 31, 2010, if at the end of a fiscal year the**
 4 **amount in the county dog fund exceeds the fund cap, the county**
 5 **treasurer shall deposit the money that is in excess of the fund cap**
 6 **into the county general fund.**
 7 **Sec. 8. The owner of a dog that is not spayed or neutered shall**
 8 **post a clearly visible sign conspicuously on the premises where the**
 9 **dog is kept that:**
 10 (1) states "BEWARE OF DOG"; and
 11 (2) contains a warning symbol for children.
 12 **Sec. 9. A person who violates section 5, 6, or 8 of this chapter**
 13 **commits a Class C infraction.**
 14 **Sec. 10. This chapter does not prohibit a county, city, or town**
 15 **from adopting an ordinance imposing dog control measures more**
 16 **restrictive than this chapter.**

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