

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**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 918  
background investigation regarding the applicant in accordance 919  
with rules adopted under section 4780.03 of the Revised Code; 920

(5) A copy of the applicant's fingerprint for purposes of 921  
conducting the background investigation required by rules adopted 922  
under section 4780.03 of the Revised Code; 923

(6) The names and addresses and any other identifying 924  
information required by rules adopted under section 4780.03 of the 925  
Revised Code of all persons who will have custody of or access to 926  
dogs under the control of the applicant. 927

(D) During the month of December, but before the first day of 928  
January of the next year, a person who is proposing to continue 929  
the operation of a commercial dog kennel shall obtain a license 930  
for the commercial dog kennel from the director for the following 931  
year. The person shall submit the application to the director on 932  
or before the last day of October of the year preceding the year 933  
for which the license is sought. 934

(E) The owner or operator of a commercial dog kennel that is 935  
in operation on the effective date of this section shall submit to 936  
the director an application for a commercial dog kennel license 937  
not later than six months after the effective date of this 938  
section. The director shall issue or deny the application for a 939  
license within ninety days after the receipt of the completed 940  
application. 941

(F) A person who has received a license under this section, 942  
upon sale or other disposition of the commercial dog kennel, may 943  
have the license transferred to another person with the consent of 944  
the director, provided that the transferee otherwise qualifies to 945  
be licensed as a commercial dog kennel under this chapter and 946  
rules adopted under it and does not have a certified unpaid debt 947  
to the state. 948

(G) An applicant for a license issued under this section 949  
shall demonstrate that the commercial dog kennel that is the 950  
subject of the application complies with the standards of care and 951  
other standards established in this chapter and rules adopted 952  
under it. 953

(H) No person shall operate a commercial dog kennel who has 954  
been convicted of or pleaded guilty to violating section 959.01, 955  
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised 956  
Code or an equivalent municipal ordinance, law of another state, 957  
or law of the federal government or has been convicted of or 958  
pleaded guilty to violating more than once section 2919.25 of the 959  
Revised Code or an equivalent municipal ordinance, law of another 960  
state, or law of the federal government. 961

(I) Medical kennels for dogs and research kennels for dogs 962  
are not required to obtain a license under this chapter or comply 963  
with any other requirements of this chapter and rules adopted 964  
under it. 965

**Sec. 4780.05.** (A)(1) No person shall act as or perform the 966  
functions of a commercial dog intermediary in this state without a 967  
commercial dog intermediary license issued by the director of 968  
commerce in accordance with this section and rules adopted under 969  
section 4780.03 of the Revised Code. 970

(2) The director shall not issue a license under this section 971  
unless the director determines that the applicant will act as or 972  
perform the function of a commercial dog intermediary in 973  
accordance with this chapter and rules adopted under it. 974

(B) A person who is proposing to act as or perform the 975  
functions of a commercial dog intermediary shall submit an 976  
application for a license to the director. During the month of 977  
December, but before the first day of January of the next year, a 978

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