



GEORGIA TO DOUBLE LICENSING FEES FOR PET DEALERS AND BREEDERS

**** JULY 1, 2010 PUBLIC HEARING ****

The Issue:

The Georgia Department of Agriculture has issued proposed amendments to increase licensing fees **by 100%** for animal shelters, kennels, pet dealers and stables. Bird dealers are also targeted as a new section could be added to the Georgia Code specifically for bird dealer licensing. **A public hearing is set for July 1st at 10 a.m. at the Department of Agriculture in Atlanta.**

The Impact:

Fees.

Under this proposal, the annual fee for licensing would be based on one of the following criteria, depending upon the type of facility:

- the gross dollar amount in sales of animals;
- the capacity of the facility; or
- the number of animals present.

A license would be valid for one year and non-transferable. The proposed fees would double from fees currently in place. The proposed fees are to be based upon the holding capacity at the time of license renewal (dealers fees are based on gross sales) and are as follows:

Animal Shelters

- capacity for up to and including 20 animals - \$200;
- capacity for over 20 animals - \$400; and
- An animal shelter not having a fixed facility in Georgia - \$400.

Kennels

- capacity for up to and including 20 animals - 200; and
- capacity for over 20 animals - \$400.

Pet Dealers (fee based only upon gross volume of animal sales or set fee)

- sales of up to \$1,000.00 gross - \$100;
- \$1,000.00 to \$10,000.00 gross - \$200;
- \$10,000.00 and over - \$400; and
- Pet dealers not having a permanent fixed facility in Georgia - \$400.

Bird Dealers (fee based only upon gross volume of animal sales or set fee)

- up to \$1,000.00 gross -\$100;
- \$1,000.01 to \$10,000.00 gross -\$200;
- over \$10,000.00 gross - \$400; and
- Bird dealers not having a permanent fixed facility in Georgia -\$400.

Stables

- 1 to 20 equine - \$200;
- over 20 equine - \$400; and
- For Equine Rescue Groups operating for that sole purpose and maintaining a facility must meet all the requirements of a licensed stable - \$200 fee.

Licensing Requirements.

The above entities must obtain a license application from the Department of Agriculture Commissioner and provide the following information:

- Name of the applicant;
- Business address;
- Complete telephone number of the applicant;
- Location of the licensable premise;
- Type of ownership of the pet dealership, kennel, stable, or animal shelter; and
- Name and address of the owner or, if a partnership, firm, corporation, association, or other entity, the names and addresses of the officers, registered agents, partners, stockholders, and/or members.

NOTE: Once a license has been obtained it must be prominently displayed at each licensed place of business.

Late Fees.

Licensing fees will increase by 100 percent for any license not renewed within ten days following the expiration date of the license. Also, license fees will be increased by 100 percent for the issuance of a new license to any person who has failed to apply for a license within ten days following notice of the need to obtain such a license given in writing by the Commissioner or his authorized representative.

PIJAC Position:

PIJAC does not oppose the imposition of reasonable fees in administration of a licensing program. Such fees already exist in Georgia. PIJAC **does** oppose dramatic and unsupportable increases in license fees, and believes that the 100% increase proposed by this rulemaking is excessive, particularly for smaller entities operating on very small margins.

Recommended Action:

As noted, a public hearing will be held on Thursday, July 1st at 10 a.m. at the Georgia Department of Agriculture, 19 Martin Luther King, Jr. Drive, Room 201, Atlanta, Georgia 30334.

Attendees will be allowed to provide verbal comments of up to five minutes per person or organization. **The Department is not accepting the submission of written comments at this time, so persons opposed to the proposal are urged to attend the hearing to provide their input. Such persons are also encouraged to provide written copies of their testimony to the Department at the public hearing and to request that such comments be made a part of the official record of proceedings!** Organizations may designate no more than one individual to speak on behalf of the organization, but additional members of the organization are entitled to speak on their own behalf.

If you have further questions, or require additional information, please contact PIJAC's Bambi Nicole Osborne by phone at 202-452-1525 or via email at bambi@pijac.org.

GA 5470 2010 **CITATION:** GAC 40-13-13-.02
AGENCY: Department of Agriculture/Animal Health Division
VERSION: Proposed Rule
VERSION DATE: 05/13/2010

40-13-13-.02 Licenses

(1) The Commissioner shall license animal shelter, pet dealer, kennel, and stable operators under the applicable provision of Chapter 5 of Title 2, "Department of Agriculture Registration, License, and Permit Act" on a form obtained from the Georgia Department of Agriculture.

(2) The license shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The license is issued for the person and premise stated on the license and is not transferable. The annual fee will be determined by the gross dollar of animal sales, the capacity of the facility or the number of animals present. The annual fees shall be as follows:

(a) Animal Shelter – fee based upon the holding capacity (to include foster homes) at the time of license application or renewal;

1. capacity for up to and including 20 animals - ~~\$100.00~~ \$200.00 fee

2. capacity for over 20 animals - ~~\$200.00~~ \$400.00 fee

3. animal shelter not having a fixed facility in Georgia - \$400.00 fee

(b) Kennel - fee based upon the holding capacity at the time of license application or renewal.

1. capacity for up to and including 20 animals - \$100.00 - ~~\$200.00~~ fee 2. capacity for over 20 animals - \$200.00 \$400.00 fee

(c) Pet Dealer - fee based only upon gross volume of animal sales or set fee.

1. up to \$1,000.00 gross - ~~\$50.00~~ \$100.00 fee

2. \$1,000.00 to \$10,000.00 - ~~\$100.00~~ \$200.00 fee

3. \$10,000.00 and over - ~~\$200.00~~ \$400.00 fee

4. pet dealers not having a permanent fixed facility in Georgia - ~~\$200.00~~ \$400.00 fee

(d) Stable - fee based on number of equine present at the time of license application or renewal; provided that if the number of equine present at any time during the license period exceeds the minimum for the next class of fees, the stable operator must file an amendment to the application and pay the higher fee.

1. up to and including 20 equine - ~~\$100.00~~ \$200.00 fee

2. over 20 equine - ~~\$200.00~~ \$400.00 fee

3. For Equine Rescue Groups operating for that sole purpose and maintaining a facility must meet all the requirements of a licensed stable - \$200.00 fee.

(e) Exhibition Permit – temporary permit for show purposes, for out of state dealers only, excluding birds, that is valid for 72 hours to show, exhibit, sell, trade, barter, adopt, or conduct a similar activity - \$50.00 fee.

~~(3) Any person who maintains a combination of businesses which conducts two (2) or more activities at the same location (i.e. kennel and pet dealer or kennel and stable) shall be required to obtain the license which generates the largest annual license fee. The records of each business will be subject to inspection to determine the appropriate license fee. Each business or activity of the combination is subject to inspection and compliance according to this chapter.~~

(4) Applications for licenses shall be on a form furnished by the Commissioner and shall state:

(a) The name of the applicant;

(b) The business address of the applicant;

(c) The complete telephone number of the applicant;

(d) The location of the licensable premise;

(e) The type of ownership of the pet dealership, kennel, stable, or animal shelter;

(f) The name and address of the owner or, if a partnership, firm, corporation, association, or other entity, the names and addresses of the officers, registered agents, partners, stockholders, and/or members.

(5) The signature(s) of the owner(s), partners, or officers of a corporation or association, attesting to the fact that the information documented on the application is correct, the regulations have been read and the premise that is subject to be licensed meets all the requirements of this chapter.

(6) The license must be prominently displayed at each licensed place of business.

(7) Animal shelters may contract with off-site foster homes and individual members of rescue groups to serve as agents of the animal shelter. The animal shelter is considered the license holder and is responsible for assuring that foster homes and rescue group members are under written contract to comply with the provisions in this chapter and submit to inspection by the animal shelter. Animal shelters must keep a copy of all current foster home and rescue group member contracts.

(8) Any person licensed by the Department as a bird dealer shall not be required to obtain a license under this chapter if such person does not deal in pets other than birds. If however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption pets, other than birds, then such dealer shall be subject to licensing under this chapter.

(9) Any person who is not a resident of this state but who engages in this state in any activities for which a license is required by this chapter or Chapter 40-13-12 pertaining to bird dealer licensing shall be subject to this chapter for such activities. As a condition of licensure, each non-resident must execute a consent to the jurisdiction of the courts of this state for any action filed under this chapter; and service of process in any such action shall be by certified mail by the Commissioner.

(10) The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

(a) material misstatement in the application for the original license or in the application for the renewal license under this chapter;

(b) willful disregard or violation of any rule or regulation of this chapter;

(c) willful aiding or abetting another in any violation of this chapter;

(d) allowing a license issued under this chapter to be used by an unlicensed person;

(e) violation of any law of this state or any rule of the Commissioner related to the disposition of, dealing in, or handling of dogs, cats, equine, and other pets;

(f) making substantial misrepresentations or false promises in connection with the business or activity of a licensee under this chapter;

(g) pursuing a continued course of making misrepresentations or false promises through advertising, salesmen, agents, or otherwise in connection with the business or activity of a licensee;

(h) failure to possess the necessary qualifications or meet the requirements for the issuance or holding of a license;

(i) failure to provide proper facilities.

(11) License fees shall be increased by 100 percent for the renewal of any license that is not renewed within ten (10) days following the expiration date of the license. License fees shall be increased by 100 percent for the issuance of a new license to any person who has failed to apply for a license within ten (10) days following notice of the need to obtain such a license has been given to such person in writing by the Commissioner or his authorized representative.

(12) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any pets, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

(a) to be held by a person who is required to be licensed under this chapter and whose license has expired;

(b) to be held by a person who is required to be licensed under this chapter and who has failed to obtain a license within ten (10) days of the date on which notice of the need to obtain a license was given in writing to such person by the Commissioner or his authorized representative.

(13) A separate license is required of each person and is not transferable, except for foster homes and rescue group members operating under an animal shelter's primary license.

Authority Ga. L. Sec. 4-10-1.; Sec. 4-11-1 et seq.

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40-13-12-.02 Licenses

(1) Any person desiring to operate as a bird dealer must first apply for and obtain a license. License application forms may be obtained from the Department.

(2) All licenses shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The annual license fee shall be based on the gross volume of sales or a set fee as follows:

(A) up to \$1,000.00 -\$100.00

(B) \$1,000.01 to \$10,000.00 -\$200.00

(C) over \$10,000.00 - \$400.00

(D) bird dealers not having a permanent fixed facility in Georgia -\$400.00

(3) The license shall be issued in the name used for all business transactions involving exotic and pet birds. Any change in the name of the license shall be promptly reported to the Department in writing. Only one license shall be issued to a premise.

(4) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any animals, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

(a) To be held by a person who is required to be licensed under this chapter and whose license has expired;

(b) To be held by a person who is required to be licensed under this chapter and who has failed to obtain a license within ten (10) days of the date on which written notice of need to obtain a license was given to such person by the Commissioner or his authorized representative;

(c) A separate license is required for each business location and must be displayed in a conspicuous location.

(5) Any corporation, partnership, or estate must declare this at the time of license application and list such officers or owners on the application.

(6)

Whenever a license is revoked the operator will be allowed to dispense of birds on hand only by a special permit from the Commissioner of Agriculture. The Department will have the authority to enter the premise and inventory birds as long as birds remain on the premise.

Authority O.C.G.A. Secs. 4-10-1 et seq., 4-10-4, 4-10-5, 4-11-1 et seq. **History.** Original Rule entitled "Licenses" adopted. F. Dec. 21, 1982; eff. Jan. 10, 1983. **Amended:** F. Oct. 3, 1985; eff. Oct. 23, 1985. **Amended:** F. Jan. 24, 1991; eff. Feb. 13, 1991. **Amended:** F. Dec. 2, 1992; eff. Dec. 22, 1992. **Amended:** F. Sept. 14, 2001; eff. Oct. 4, 2001.