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CHAPTER 426

FORMERLY

SENATE BILL NO. 383

AN ACT TO AMEND CHAPTER 17 OF TITLE 7 OF THE DELAWARE CODE RELATING TO DOG AND KENNEL LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend §1701, Title 7, Delaware Code, by striking subsection (a), (b), and (c) in their entirety and substituting in lieu thereof the following:

"(a) Dog licenses. Except for persons residing within the corporate limits of the City of Wilmington, the owner of any dog, 6 months of age or older, on or before March 1, shall apply to the Department or its duly authorized agents on a form prescribed by the Department for a one, two or three year license for such dog. All dog licenses shall be valid through December 31. Except as provided in subsection (i) of this section, the application shall be accompanied by the appropriate license fee as follows:

(1) For each neutered male dog and for each spayed female dog for which proof of sterilization can be provided, the license fee shall be \$3.00 per annum; and

(2) For any other male or female dog, the license fee shall be \$6.00 per annum.

(b) Kennel licenses. Notwithstanding subsection (a) of this section, any person who maintains a kennel wherein dogs are kept for show, trial, sale, breeding or other purposes may apply to the Department or its duly authorized agents on a form prescribed by the Department for a kennel license in lieu of a license for each dog. Kennel licenses shall be valid through December 31, and shall not be valid for more than one calendar year. The application shall be accompanied by the appropriate license fee as follows:

(1) To keep or operate a kennel having the capacity to accommodate no more than 12 dogs at any time during the calendar year: \$21;

(2) To keep or operate a kennel having the capacity to accommodate no more than 25 dogs at any time during the calendar year: \$31;

(3) To keep or operate a kennel having the capacity to accommodate no more than 50 dogs at any time during the calendar year: \$51; or

(4) To keep or operate a kennel having the capacity to accommodate 51 or more dogs at any time during the calendar year: \$101.

(c) After March 1, any person without a kennel license who becomes the owner of a dog 6 months of age or older shall forthwith apply for and secure a license for such dog in accordance with this section."

Section 2. Amend §1701, Title 7, Delaware Code, by striking subsection (g) in its entirety, and redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively. Further amend said section by adding thereto a new subsection (d) to read as follows:

"(d) Upon application and payment of the fee for a dog or kennel license, the applicant shall be entitled to receive a license, provided proof of a currently valid rabies vaccination can be presented for each dog for which the license is sought. Each dog and kennel license shall show the date on which the license fee is paid. The Department or its duly authorized agents shall issue with each license a metal tag for each dog covered showing the year(s) for which the license fee is paid and the serial number of the license. The tag shall be of a design to be adopted by the Department, and shall be affixed to a substantial collar by the owner of such dog and shall be worn by such dog at all times. If any such tag should be lost, a new tag shall forthwith be secured from the Department for a fee of \$1.00."

Section 3. Amend §1701(e), Title 7, Delaware Code by striking the phrase "to pay the license tax on or before March 1 of each year" and substituting in lieu thereof the phrase "secure a valid dog or kennel license for the calendar year on or before March 1 or when otherwise required by this section".

Section 4. Amend § 1701(i), Title 7, Delaware Code, by striking the word "tax" wherever the word appears therein and substituting in lieu thereof the word "fee", and by striking the phrase "subsection (b)" and substituting in lieu thereof the phrase "subsection (d)".

Section 5. This Act shall become effective on January 1, 1999.

Approved July 13, 1998



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