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SENATE BILL 6408

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State of Washington

60th Legislature

2008 Regular Session

By Senators Kohl-Welles, Kline, and Weinstein

Read first time 01/16/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to pet dealers; and adding a new chapter to Title  
2 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Animal" means a dog, cat, or bird of any age.

7 (2) "Pet breeder" means any person, business, or other entity that  
8 breeds animals for direct or indirect sale to the public.

9 (3) "Pet dealer" means any person, business, or other entity,  
10 including pet breeder, that sells more than twenty animals or three  
11 litters, whichever is greater, in a twelve-month period. "Pet dealer"  
12 does not include animal control agencies, humane societies, or other  
13 bona fide nonprofit organizations performing the functions of humane  
14 societies.

15 NEW SECTION. **Sec. 2.** A pet dealer shall, no more than thirty days  
16 before the sale of the animal, provide for examination of the animal by  
17 a veterinarian licensed in Washington.

1        NEW SECTION.    **Sec. 3.**    (1) Every pet dealer shall, at the time of  
2 sale, deliver to the purchaser of each animal a written statement  
3 containing the following information:

4        (a) The date of the animal's birth, if known;

5        (b) The breeder's name and address, if known. If not known, the  
6 pet dealer must provide the name and address of the person who sold or  
7 gave the animal to the pet dealer;

8        (c) The date the pet dealer received the animal, if not bred by the  
9 pet dealer;

10       (d) The breed, sex, and color of the animal, and identifying marks  
11 existing at the time of sale. If the animal is from a United States  
12 department of agriculture licensed source, the statement shall contain  
13 the individual identifying tag, band, tattoo, or color number for that  
14 animal. If the breed is unknown or mixed, this fact shall be stated;

15       (e) If the animal is being sold as registrable, the names and  
16 registration numbers of the sire and dam, and the litter number;

17       (f) A record of any inoculations and parasite or worming treatments  
18 administered to the animal, to the extent known, including dates of  
19 administration and the type of vaccine or worming treatment;

20       (g) A record of any diagnosis from a licensed veterinarian, and a  
21 record of any treatment or medication received by the animal while in  
22 the possession of the pet dealer, whether provided by a licensed  
23 veterinarian or by the pet dealer, and either of the following:

24       (i) A statement, signed by the pet dealer and purchaser at the time  
25 of sale that:

26       (A) The animal has no known disease or illness;

27       (B) The animal has no known congenital or hereditary condition that  
28 adversely affects the health of the animal at the time of sale, or that  
29 is likely to adversely affect the health of the animal in the future;  
30 or

31       (ii) A statement disclosing any known health problems.

32       (2) The written statement required by subsection (1) of this  
33 section shall be signed by both the pet dealer, certifying the accuracy  
34 of the statement, and by the purchaser acknowledging receipt of the  
35 statement.

36       NEW SECTION.    **Sec. 4.**    A pet dealer shall maintain a written record  
37 on the health, status, and disposition of each animal for three years

1 which includes the current year and the past two years. The record  
2 shall include all of the information that the dealer is required to  
3 disclose under section 3 of this act, including a list of the names and  
4 addresses of persons from whom animals are received and to whom animals  
5 are sold, whether there were complaints by a purchaser regarding the  
6 health of the animal, whether the animal was returned, and, if so, the  
7 reason given for that return. All animal transactions shall be listed  
8 on the records and these records shall be made available upon request,  
9 to any agency responsible for enforcement of chapter 16.52 RCW as  
10 defined in RCW 16.52.015.

11 NEW SECTION. **Sec. 5.** A pet dealer may not sell an animal that has  
12 any obvious clinical sign of infectious, contagious, parasitic, or  
13 communicable disease or abnormality, or has any disease, illness, or  
14 condition that requires hospitalization or nonelective surgical  
15 procedures.

16 NEW SECTION. **Sec. 6.** (1) A purchaser is entitled to a remedy from  
17 a pet dealer under this section if, after the purchase of an animal  
18 from the pet dealer, one of the following occurs:

19 (a) Within twenty days after the purchase of the animal, a licensed  
20 veterinarian of the purchaser's choosing states in writing that the  
21 animal suffers or has died from an illness, disease, or other defect  
22 adversely affecting the animal's health that existed in the animal on  
23 or before delivery to the purchaser. Intestinal or external parasites  
24 shall not be considered to adversely affect an animal's health unless  
25 their presence makes the animal clinically ill.

26 (b) Within two years after the purchase of the animal, a licensed  
27 veterinarian of the purchaser's choosing states in writing that the  
28 animal possesses or has died from a congenital or hereditary condition  
29 adversely affecting the health of the animal or that required  
30 hospitalization or nonelective surgical procedures.

31 (2) A purchaser entitled to a remedy under this section may elect  
32 one of the following remedies:

33 (a) Return the animal to the pet dealer for a full refund of the  
34 purchase price and reimbursement for reasonable veterinary fees for  
35 diagnosis and treatment in an amount not to exceed the original  
36 purchase price of the animal;

1 (b) Exchange the animal for another one of the purchaser's choice  
2 having comparable value, providing the replacement animal is available,  
3 and receive reimbursement for reasonable veterinary fees for diagnosis  
4 and treatment in an amount not to exceed the original purchase price of  
5 the animal; or

6 (c) Retain the animal and receive reimbursement for reasonable  
7 veterinary fees for diagnosis and treatment in the amount not to exceed  
8 one hundred fifty percent of the original purchase price of the animal.

9 (3) If the animal has died, the purchaser may obtain either a  
10 refund for the purchase price of the animal, or a replacement animal of  
11 comparable value, plus reimbursement for reasonable veterinary fees for  
12 diagnosis and treatment in an amount not to exceed the original  
13 purchase price of the animal.

14 (4) For the purposes of this section, the veterinary fees shall be  
15 deemed reasonable if the services rendered are appropriate for the  
16 diagnosis and treatment of the illness or congenital or hereditary  
17 condition made by the veterinarian, and the cost of such services is  
18 comparable to that charged for similar services by other licensed  
19 veterinarians in proximity to the treating veterinarian. A veterinary  
20 fee shall be presumed reasonable in the absence of evidence to the  
21 contrary.

22 (5) Refunds and payment of reimbursable expenses pursuant to this  
23 section shall be made by the pet dealer to the purchaser not later than  
24 ten business days following receipt of the veterinarian's statement  
25 required by section 7 of this act, except in cases in which the  
26 entitlement to a remedy is contested.

27 NEW SECTION. **Sec. 7.** To obtain the remedies provided for in  
28 section 6 of this act, the purchaser shall substantially comply with  
29 all of the following requirements:

30 (1) Notify the pet dealer as soon as practicable, but in no case  
31 more than ten days after the diagnosis by a licensed veterinarian of a  
32 health problem, including a congenital or hereditary condition, for  
33 which a remedy is requested. The notice shall include the name and  
34 telephone number of the veterinarian providing the diagnosis;

35 (2) In the case of illness or disease, provide a written statement  
36 from a licensed veterinarian within ten days of diagnosis stating that  
37 the animal is clinically ill, suffers from a congenital or hereditary

1 condition, or has symptoms of a contagious infectious disease that  
2 existed on or before delivery to the purchaser and that adversely  
3 affects the health of the animal;

4 (3) The veterinarian's statement required under this section shall  
5 include all of the following:

6 (a) The purchaser's name and address;

7 (b) The date or dates on which the animal was examined;

8 (c) The breed and age of the animal, if known;

9 (d) A verification that the veterinarian examined the animal;

10 (e) A statement that the animal has or had an illness or condition  
11 subject to a remedy under section 6 of this act;

12 (f) The precise findings of the examination or necropsy, including  
13 laboratory results or copies of laboratory reports;

14 (4) If a reimbursement for reasonable veterinary expenses is being  
15 requested, the veterinarian's statement shall be accompanied by an  
16 itemized bill of fees appropriate for the diagnosis and treatment of  
17 the illness or congenital or hereditary condition.

18 NEW SECTION. **Sec. 8.** No refund, replacement, or reimbursement of  
19 veterinary fees shall be made under any of the following conditions:

20 (1) The illness or death resulted from maltreatment or neglect or  
21 from an injury sustained or an illness contracted subsequent to the  
22 delivery of the animal to the purchaser.

23 (2) The purchaser failed to carry out the recommended treatment  
24 prescribed by the examining veterinarian who made the initial  
25 diagnosis. However, this subsection does not apply if the cost for  
26 such treatment, together with the veterinarian's fee for diagnosis,  
27 would exceed the purchase price of the animal.

28 (3) The illness, disease, or condition was disclosed in writing at  
29 the time of sale under section 3 of this act.

30 (4) The purchaser fails to return to the pet dealer all documents  
31 previously provided to the purchaser for the purpose of registering the  
32 animal in cases where the animal is being returned to the pet dealer  
33 for refund or replacement.

34 NEW SECTION. **Sec. 9.** (1) In the event that a pet dealer disputes  
35 a purchaser's entitlement to a remedy under this chapter, the pet  
36 dealer may, except in the case of the animal's death, have the animal

1 examined by a licensed veterinarian designated by the pet dealer. The  
2 cost of such examination shall be borne by the pet dealer. A written  
3 statement of the findings of the pet dealer's chosen veterinarian shall  
4 be provided to the purchaser.

5 (2) If, following examination of the animal by the pet dealer's  
6 chosen veterinarian, the purchaser and the pet dealer are unable to  
7 reach an agreement within ten business days, the purchaser may initiate  
8 an action in a court of competent jurisdiction to resolve the dispute,  
9 or the parties may submit to binding arbitration if mutually agreed  
10 upon by the parties in writing. Any court having jurisdiction in a  
11 damages or trespass action for the amount in controversy has  
12 jurisdiction under this chapter.

13 (3) The purchaser in any such legal action has the right to collect  
14 reasonable attorneys' fees and court costs if the opposing party acts  
15 in bad faith in seeking or denying the requested remedy.

16 NEW SECTION. **Sec. 10.** (1) Every pet dealer shall post in a  
17 conspicuous location a notice stating that purchasers of animals have  
18 specific rights under law and that a written statement of the rights is  
19 available upon request by any interested party. The notice shall be in  
20 one hundred-point type and read as follows:

21 "Purchasers of animals from this pet dealer are entitled to specific  
22 rights under the law. Purchasers must be provided a written copy of  
23 the rights at the time of sale. Prospective purchasers may receive a  
24 copy of the rights from this pet dealer upon request."

25 (2) Every pet dealer shall, at the time of sale or upon the request  
26 of a prospective purchaser, provide a written notice of rights under  
27 this chapter. The notice shall be signed by the purchaser and the pet  
28 dealer at the time of sale acknowledging receipt.

29 (3) Every pet dealer of an animal sold with the representation that  
30 the animal is registered or registrable with a registry shall, in  
31 addition to the notices in this section, provide the purchaser a  
32 written notice, signed by the purchaser and the pet dealer at the time  
33 of sale, which reads as follows:

34 "A pedigree or a registration does not assure proper breeding  
35 condition, health, quality, or claims to lineage."

1        NEW SECTION.    **Sec. 11.**    A violation of this chapter shall  
2 constitute an unfair or deceptive trade practice affecting the public  
3 interest under chapter 19.86 RCW. All public and private remedies  
4 provided under that chapter shall be available to enforce this chapter.

5        NEW SECTION.    **Sec. 12.**    (1) Nothing in this chapter shall limit the  
6 rights or remedies that are otherwise available to a consumer under any  
7 other law, nor shall this chapter in any way limit the pet dealer and  
8 the purchaser from agreeing between themselves upon additional terms  
9 and conditions that are not consistent with this chapter. No waiver of  
10 rights under this chapter shall be effective.

11        (2) Nothing in this chapter shall limit prosecution for violation  
12 of any criminal statute or of any other law.

13        (3) Nothing in this chapter shall preclude the imposition of  
14 punitive damages otherwise available at law.

15        NEW SECTION.    **Sec. 13.**    Sections 1 through 12 of this act  
16 constitute a new chapter in Title 18 RCW.

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