

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 540

(By Senator Unger)

[Originating in the Committee on the Judiciary;
reported February 24, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-33-1, §19-33-2, §19-33-3, §19-33-4 and §19-33-5, all relating to creating the Equine Rescue Facilities Act; providing definitions; licensing of equine facilities; providing for inspections; authorizing legislative rules; and providing penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-33-1, §19-33-2, §19-33-3, §19-33-4 and §19-33-5, all to read as follows:

ARTICLE 33. EQUINE RESCUE FACILITIES ACT.

§19-33-1. Definitions.

1 For purposes of this article:

2 (1) “Commissioner” means the Commissioner of Agricul-
3 ture.

4 (2) “Equine rescue facility” means a facility that is listed
5 as a nonprofit organization having a legitimate and current
6 status under Title 26 U.S.C. 501(c)(3), as amended, that
7 fosters care to unwanted equines due to age, health or other
8 circumstances that deem the equines homeless.

§19-33-2. Licensing of equine rescue facilities.

1 No person may operate an equine rescue facility as defined
2 in section two of this article without an Equine Rescue
3 Facility License issued by the Department of Agriculture.
4 The annual fee for an Equine Rescue Facility License is \$100,
5 which shall be remitted by the commissioner to the humane
6 officer or animal control officer in the county where the
7 facility is located to offset the expense of inspecting that
8 facility. If the county does not have a humane officer or
9 animal control officer, the commissioner shall remit the
10 license fee to the sheriff of the county where the facility is
11 located.

§19-33-3. Inspections of equine rescue facilities.

1 Upon application for an Equine Rescue Facility License,
2 the commissioner shall notify the county humane officer or
3 animal control officer in the county where the equine rescue
4 facility is located, who shall inspect the facility prior to
5 issuance of an Equine Rescue Facility License, and thereaf-
6 ter, not less than twice annually. If the county does not have
7 a humane officer or animal control officer, the sheriff of that
8 county is responsible for inspections of equine rescue
9 facilities in the county as set forth in this section.

§19-33-4. Legislative Rules.

1 The commissioner shall propose rules for legislative
2 approval in accordance with the provisions of article three,
3 chapter twenty-nine-a of this code to provide for the follow-
4 ing:

5 (1) The issuance of Equine Rescue Facility Licences and
6 revocation of the licenses for violations of the provisions of
7 this article or rules adopted hereunder;

8 (2) Notification of the application and issuance of an
9 Equine Rescue Facility License to the humane officer, animal
10 control officer or county sheriff in the county where the

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11 facility is located and providing remittance of the annual
12 Equine Rescue Facility License fee;

13 (3) Standards for maintenance of the premises, the care
14 and health of the horses kept at equine rescue facilities and
15 standards for inspection of those facilities and horses, using
16 guidelines developed by the West Virginia Livestock Care
17 Standards Board; and

18 (4) Standards for closure of an equine rescue facility and
19 seizure of horses at the facility where the health and welfare
20 of the horses are endangered.

§19-33-5. Penalties.

1 Any person who violates any provision of this article or
2 rules adopted hereunder is guilty of a misdemeanor and,
3 upon conviction thereof, shall be fined not less than \$100 nor
4 more than \$500 for the first offense, and for a second or
5 subsequent offense shall be fined not less than \$500 nor more
6 than \$2,500.