

**OPINION NO. 84-022****Syllabus:**

A kennel owner need not secure a separate registration tag for each dog maintained in the kennel; the registration tags issued pursuant to R.C. 955.04 may be worn interchangeably by any dog owned in good faith by the kennel owner. (1928 Op. Att'y Gen. No. 1521, vol. 1, p. 24, approved and followed.)

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**To: Thomas E. Ferguson, Auditor of State, Columbus, Ohio**  
**By: Anthony J. Celebrezze, Jr., Attorney General, May 11, 1984**

I have before me your opinion request in which you ask:

Is a kennel owner who has registered his kennel pursuant to Section 955.04, Revised Code, required to apply for additional tags in order to ensure that each dog in the kennel has a tag, or is he merely required to purchase a sufficient number of tags, including additional tags as needed, to ensure that each dog in the kennel wears a tag when it is removed from the kennel for training, showing, or other purposes?

R.C. Chapter 955 sets forth various requirements with respect to the registration of dogs and kennels. R.C. 955.01 mandates the registration of all dogs more than three months of age. It provides, in pertinent part:

Except as otherwise provided in this section or in sections 955.011 and 955.16 of the Revised Code, every person who owns, keeps, or harbors a dog more than three months of age, shall, on or after the first day of the preceding December but before the twentieth day of January of each year, file in the office of the county auditor of the county in which the dog is kept or harbored, an application for registration for the following year, beginning the twentieth day of January of that year. . . . The application shall state the age, sex, color, character of hair, whether short or long, breed, if known, and the name and address of the owner of the dog. A registration fee of two dollars for each dog shall accompany the application, unless a greater fee has been established under section 955.14 of the Revised Code. (Emphasis added.)

The registration requirement of R.C. 955.01 is specifically made applicable to kennel owners<sup>1</sup> by R.C. 955.21 which states: "No owner, keeper, or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file the application for registration required by [R.C. 955.01], nor shall he fail to pay the legal fee therefor" (emphasis added). While the owner of a kennel must make an application for registration in the manner provided in R.C. 955.01, the effect of a kennel registration is slightly different than that prescribed for the registration of individual dogs. See 1918 Op. Att'y Gen. No. 928, vol. I, p. 75 and 1927 Op. Att'y Gen. No. 967, vol. III, p. 1689 (when a kennel owner registers his kennel, the kennel is registered and not the particular dogs bred or kept therein). R.C. 955.04 specifically addresses the requirement for, and effect of, a kennel registration. It provides:

Every owner of a kennel of dogs shall, in like manner as provided in section 955.01 of the Revised Code, make application for the registration of such kennel, and pay to the county auditor a registration fee of ten dollars for each such kennel, unless a greater fee has been established under section 955.14 of the Revised Code. If such application is not filed and said fee paid, on or before the twentieth day of January of each year, the auditor shall assess a penalty of five dollars upon the owner of such kennel. The payment of such kennel registration fee shall entitle the licensee to not more than five tags, to bear consecutive numbers and to be issued in like manner and have like effect when worn by any dog owned in good faith by such licensee as the tags provided for in section 955.08 of the Revised Code. Upon application to the county auditor, additional tags, in excess of said five tags, may be issued upon payment of an additional fee of one dollar per tag.

Thus, pursuant to R.C. 955.04, although a kennel owner must register his kennel "in like manner as provided in [R.C. 955.01]," he need not secure a separate tag for each dog maintained in the kennel. A kennel owner may use the five registration tags issued pursuant to R.C. 955.04 interchangeably upon any dog owned in good

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<sup>1</sup> "A kennel owner is a person, partnership, firm, company, or corporation professionally engaged in the business of breeding dogs for hunting or for sale." R.C. 955.02.

faith by such licensee. The statute also gives the kennel owner the option of securing additional tags if he believes five tags will be insufficient for his needs. Any time a kennel owner has more than five dogs required to be registered outside the confines of the kennel, such additional tags would be required. See R.C. 955.10 (any dog found not wearing a registration tag, except a dog constantly confined to a registered kennel, is subject to impounding, sale or destruction).

The foregoing interpretation of R.C. 955.04 is consistent with that given the statute in 1928 Op. Att'y Gen. No. 1521, vol. I, p. 24. That opinion concluded:

An owner of a duly registered kennel of dogs may use the five registration tags, issued under the provisions of Section 5652-1, General Code, [now R.C. 955.04] in connection with the kennel license, upon any dogs owned in good faith by such licensee. The mere fact that such dogs are temporarily "farmed out" to individuals other than the kennel owner does not require that such dogs be separately registered, provided such dogs wear one of the several registration tags issued to such kennel owner.

The conclusion was premised in part on then recent legislative amendments to the statute. At the time the opinion was issued Section 5652-1 of the General Code read as follows:

Every owner of a kennel of dogs bred or kept for sale shall in like manner as in section 5652 provided, make application for the registration of such kennel, and pay therewith to the county auditor a registration fee of \$10 for such kennel. Provided, however, that the payment of such kennel license fee shall entitle the holder thereof to not more than five tags to bear consecutive numbers and to be issued in like manner and have like effect when worn by any dog owned in good faith by such licensee, with the tags provided for in section 5652-4 of the General Code of Ohio.

See 1927 Ohio Laws 347-348 (H.B. 164, filed May 12, 1927). My predecessor noted that that portion of the statute entitling the kennel owner to receive not more than five tags upon payment of the license fee was part of an amendment made in 1925 Ohio Laws 290 (H.B. 311, filed April 16, 1925). Prior to its amendment in 1925 the statute had provided: "the owner of such dog kennel shall, in addition to paying such kennel fees, comply with all of the requirements of Section 5652 [now R.C. 955.01] with respect to every dog more than three months of age belonging to such dog kennel not kept constantly confined in such kennel." 1919 Ohio Laws, Part I, 534 (H.B. 493, filed June 6, 1919). I agree with my predecessor that the foregoing legislative history makes it clear that since 1925 the General Assembly has not intended to require a kennel owner to register separately and secure a tag for each dog maintained in the kennel. Amendments subsequent to 1925 have not altered the intent of the statute in this regard.

Accordingly, it is my opinion, and you are advised, that a kennel owner need not secure a separate registration tag for each dog maintained in the kennel; the registration tags issued pursuant to R.C. 955.04 may be worn interchangeably by any dog owned in good faith by the kennel owner. (1928 Op. Att'y Gen. No. 1521, vol. I, p. 24, approved and followed.)