

OPINION NO. 89-027**Syllabus:**

A dog owner who has registered his dog in his county of residence is not required to register the dog again during that year upon moving to a different county. (1918 Op. Att'y Gen. No. 949, vol. I, p. 135 overruled; 1927 Op. Att'y Gen. No. 1265, vol. III, p. 2278 approved and followed.)

To: Anthony G. Pizza, Lucas County Prosecuting Attorney, Toledo, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, May 15, 1989

I have before me your request for my opinion concerning the registration of dogs. Specifically, you ask whether a dog owner who has properly registered his dog in his county of residence and then moved during the year to a different county must register the dog in the new county for that same year.

Dog owners are required to register their dogs with the county auditor each year pursuant to R.C. 955.01, which provides in pertinent part:

(A)(1) Except as otherwise provided in this section or in sections 955.011 [dogs for blind, deaf, or mobility impaired persons] and 955.16 [dogs sold to nonprofit teaching or research organizations] 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 board of county commissioners may, in case of an emergency, extend the period for filing the application. 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 division (A)(2) of this section or under section 955.14 of the Revised Code.

If a dog is acquired after January twentieth, or if a dog becomes three months old or is brought from outside the state after January twentieth, registration is required under R.C. 955.05, which provides in pertinent part:

After the twentieth day of January of any year, except as otherwise provided in section 955.16 of the Revised Code, every person, immediately upon becoming the owner, keeper, or harbinger of any dog more than three months of age or brought from outside the state during any year, shall file like applications, with fees, as required by section 955.01 of the Revised Code, for registration for the current year.

See also R.C. 955.06 (for any dog that becomes three months old or is purchased from outside the state after July first, the registration fee shall be one half the original fee). If a person buys a dog from someone who already registered the dog, R.C. 955.11(B) makes provision for the new owner to record the transfer of ownership with the county auditor upon payment of a twenty-five cent fee. *See also* 1927 Op. Att'y Gen. No. 1225, vol. III, p. 2186 (a transfer of ownership should be recorded with the auditor of the county in which the dog is registered, even if the buyer resides in another county).

It is a well established rule of statutory construction that the naming of a specific class implies the exclusion of those not named. *See Craftsman Type, Inc. v. Lindley*, 6 Ohio St. 3d 82, 451 N.E.2d 768 (1983); *Kroger Co. v. Bowers*, 3 Ohio St. 2d 76, 209 N.E.2d 209 (1965). The registration statutes cited above require a person who is an owner of a dog over three months old or who acquires a dog from out of state to register the dog. No mention is made in these statutes of a owner who moves during the year to a different county within the state. Thus, the General Assembly implicitly excluded from these registration statutes owners who move to a different county. These owners, furthermore, have already registered their dogs for that year. Unless otherwise provided, this registration is valid for the entire year. *See* R.C. 955.01; R.C. 955.05; 1927 Op. Att'y Gen. No. 967, vol. III, p. 1689 (tag issued with registration is valid the entire year). I conclude, therefore, that the General Assembly did not intend to require an owner who moves to register the dog in the new county until the annual registration period set forth in R.C. 955.01.

I am aware that in 1918 Op. Att'y Gen. No. 949, vol. I, p. 135 it was concluded that a person who registers his dog by January first and moves to another county is required to register the dog in the new county that year. I direct your attention to a later opinion, 1927 Op. Att'y Gen. No. 1265, vol. III, p. 2278, which addressed the question of whether a dog that is sold to a person in another county must be registered in the new county for that year. In finding that such registration was unnecessary, my predecessor noted that "[t]here is no provision of law providing for a transfer of registrations from one county to another. Neither is there any provision of law requiring a person who registered his dog, as provided in Section 5652 [now R.C. 955.01], *supra*, to again register the same during that year." *Id.* at 2280. Thus, 1927 Op. No. 1265 implicitly overruled 1918 Op. No. 949.

Therefore, it is my opinion and you are advised that a dog owner who has registered his dog in his county of residence is not required to register the dog again during that year upon moving to a different county. (1918 Op. Att'y Gen. No. 949, vol. I, p. 135 overruled; 1927 Op. Att'y Gen. No. 1265, vol. III, p. 2278 approved and followed.)