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HOUSE BILL 1150

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Kirby, Campbell, Simpson and Murray

Read first time 01/17/2005. Referred to Committee on Judiciary.

1            AN ACT Relating to dangerous or potentially dangerous dogs; and  
2 amending RCW 16.08.070, 16.08.090, and 16.08.080.

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

4            **Sec. 1.** RCW 16.08.070 and 2002 c 244 s 1 are each amended to read  
5 as follows:

6            Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout RCW 16.08.070 through 16.08.100.

8            (1) "Potentially dangerous dog" means any dog that when unprovoked:

9            (a) Inflicts bites on a human or a domestic animal either on public or  
10 private property, or (b) chases or approaches a person upon the  
11 streets, sidewalks, or any public grounds in a menacing fashion or  
12 apparent attitude of attack, or any dog with a known propensity,  
13 tendency, or disposition to attack unprovoked, to cause injury, or to  
14 cause injury or otherwise to threaten the safety of humans or domestic  
15 animals.

16            (2) "Dangerous dog" means any dog that (a) inflicts severe injury  
17 on a human being without provocation on public or private property, (b)  
18 kills a domestic animal without provocation while the dog is off the  
19 owner's property, or (c) has been previously found to be potentially

1 dangerous because of injury inflicted on a human, the owner having  
2 received notice of such and the dog again aggressively bites, attacks,  
3 or endangers the safety of humans.

4 (3) "Severe injury" means any physical injury that results in  
5 broken bones or disfiguring lacerations requiring multiple sutures or  
6 cosmetic surgery.

7 (4) "Proper enclosure of a dangerous dog" means, while on the  
8 owner's property, a dangerous dog shall be securely confined indoors or  
9 in a securely enclosed and locked pen or structure, suitable to prevent  
10 the entry of young children and designed to prevent the animal from  
11 escaping. Such pen or structure shall have secure sides and a secure  
12 top, and shall also provide protection from the elements for the dog.

13 (5) "Animal control authority" means an entity acting alone or in  
14 concert with other local governmental units for enforcement of the  
15 animal control laws of the city, county, and state and the shelter and  
16 welfare of animals.

17 (6) "Animal control officer" means any individual employed,  
18 contracted with, or appointed by the animal control authority for the  
19 purpose of aiding in the enforcement of this chapter or any other law  
20 or ordinance relating to the licensure of animals, control of animals,  
21 or seizure and impoundment of animals, and includes any state or local  
22 law enforcement officer or other employee whose duties in whole or in  
23 part include assignments that involve the seizure and impoundment of  
24 any animal.

25 (7) "Owner" means any person, firm, corporation, organization, or  
26 department possessing, harboring, keeping, having an interest in, or  
27 having control or custody of an animal.

28 (8) "Dog" includes wolf-dog hybrids.

29 **Sec. 2.** RCW 16.08.090 and 1987 c 94 s 3 are each amended to read  
30 as follows:

31 (1) It is unlawful for an owner of a dangerous dog to permit the  
32 dog to be outside the proper enclosure unless the dog is muzzled and  
33 restrained by a substantial chain or leash and under physical restraint  
34 of a responsible person. The muzzle shall be made in a manner that  
35 will not cause injury to the dog or interfere with its vision or  
36 respiration but shall prevent it from biting any person or animal.

1 (2) Potentially dangerous dogs shall be regulated only by local,  
2 municipal, and county ordinances. Nothing in this section limits  
3 restrictions local jurisdictions may place on owners of potentially  
4 dangerous dogs.

5 (3) Dogs shall not be declared potentially dangerous or dangerous  
6 if the threat, injury, or damage was sustained by a person who, at the  
7 time, was committing a wilful trespass or other tort upon the premises  
8 occupied by the owner of the dog, or was tormenting, abusing, or  
9 assaulting the dog or has, in the past, been observed or reported to  
10 have tormented, abused, or assaulted the dog or was committing or  
11 attempting to commit a crime.

12 (4) The breed of a dog shall not be a determining factor when  
13 declaring a dog potentially dangerous or dangerous.

14 **Sec. 3.** RCW 16.08.080 and 2002 c 244 s 2 are each amended to read  
15 as follows:

16 (1) Any city or county that has a notification and appeal procedure  
17 with regard to determining a dog within its jurisdiction to be  
18 dangerous may continue to utilize or amend its procedure. A city or  
19 county animal control authority that does not have a notification and  
20 appeal procedure in place as of June 13, 2002, and seeks to declare a  
21 dog within its jurisdiction, as defined in subsection (7) of this  
22 section, to be dangerous must serve notice upon the dog owner in person  
23 or by regular and certified mail, return receipt requested.

24 (2) The notice must state: The statutory basis for the proposed  
25 action; the reasons the authority considers the animal dangerous; a  
26 statement that the dog is subject to registration and controls required  
27 by this chapter, including a recitation of the controls in subsection  
28 (6) of this section; and an explanation of the owner's rights and of  
29 the proper procedure for appealing a decision finding the dog  
30 dangerous.

31 (3) Prior to the authority issuing its final determination, the  
32 authority shall notify the owner in writing that he or she is entitled  
33 to an opportunity to meet with the authority, at which meeting the  
34 owner may give, orally or in writing, any reasons or information as to  
35 why the dog should not be declared dangerous. The notice shall state  
36 the date, time, and location of the meeting, which must occur prior to  
37 expiration of fifteen calendar days following delivery of the notice.

1 The owner may propose an alternative meeting date and time, but such  
2 meeting must occur within the fifteen-day time period set forth in this  
3 section. After such meeting, the authority must issue its final  
4 determination, in the form of a written order, within fifteen calendar  
5 days. In the event the authority declares a dog to be dangerous, the  
6 order shall include a recital of the authority for the action, a brief  
7 concise statement of the facts that support the determination, and the  
8 signature of the person who made the determination. The order shall be  
9 sent by regular and certified mail, return receipt requested, or  
10 delivered in person to the owner at the owner's last address known to  
11 the authority.

12 (4) If the local jurisdiction has provided for an administrative  
13 appeal of the final determination, the owner must follow the appeal  
14 procedure set forth by that jurisdiction. If the local jurisdiction  
15 has not provided for an administrative appeal, the owner may appeal a  
16 municipal authority's final determination that the dog is dangerous to  
17 the municipal court, and may appeal a county animal control authority's  
18 or county sheriff's final determination that the dog is dangerous to  
19 the district court. The owner must make such appeal within twenty days  
20 of receiving the final determination. While the appeal is pending, the  
21 authority may order that the dog be confined or controlled in  
22 compliance with RCW 16.08.090. If the dog is determined to be  
23 dangerous, the owner must pay all costs of confinement and control.

24 (5) It is unlawful for an owner to have a dangerous dog in the  
25 state without a certificate of registration issued under this section.  
26 This section and RCW 16.08.090 and 16.08.100 shall not apply to police  
27 dogs as defined in RCW 4.24.410.

28 (6) Unless a city or county has a more restrictive code  
29 requirement, the animal control authority of the city or county in  
30 which an owner has a dangerous dog shall issue a certificate of  
31 registration to the owner of such animal if the owner presents to the  
32 animal control unit sufficient evidence of:

33 (a) A proper enclosure to confine a dangerous dog and the posting  
34 of the premises with a clearly visible warning sign that there is a  
35 dangerous dog on the property. In addition, the owner shall  
36 conspicuously display a sign with a warning symbol that informs  
37 children of the presence of a dangerous dog;

1 (b) A surety bond issued by a surety insurer qualified under  
2 chapter 48.28 RCW in a form acceptable to the animal control authority  
3 in the sum of at least (~~two~~) one hundred (~~fifty~~) thousand dollars,  
4 payable to any person injured by the dangerous dog; or

5 (c) A policy of liability insurance, such as homeowner's insurance,  
6 issued by an insurer qualified under Title 48 RCW in the amount of at  
7 least (~~two~~) one hundred (~~fifty~~) thousand dollars, insuring the  
8 owner for any personal injuries inflicted by the dangerous dog.

9 (7)(a)(i) If an owner has the dangerous dog in an incorporated area  
10 that is serviced by both a city and a county animal control authority,  
11 the owner shall obtain a certificate of registration from the city  
12 authority;

13 (ii) If an owner has the dangerous dog in an incorporated or  
14 unincorporated area served only by a county animal control authority,  
15 the owner shall obtain a certificate of registration from the county  
16 authority;

17 (iii) If an owner has the dangerous dog in an incorporated or  
18 unincorporated area that is not served by an animal control authority,  
19 the owner shall obtain a certificate of registration from the office of  
20 the local sheriff.

21 (b) This subsection does not apply if a city or county does not  
22 allow dangerous dogs within its jurisdiction.

23 (8) Cities and counties may charge an annual fee, in addition to  
24 regular dog licensing fees, to register dangerous dogs.

25 (9) Nothing in this section limits a local authority in placing  
26 additional restrictions upon owners of dangerous dogs. This section  
27 does not require a local authority to allow a dangerous dog within its  
28 jurisdiction.

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